



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 12 DECEMBER 2006 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 5 December 2006

Minutes to be circulated separately

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 23 November 2006

Minutes numbered KTC21 to KTC24

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

GB.1 **9 Wanganella Road, St Ives - Alterations & Additions & a New Double Garage** **1**

File: DA0524/06

Ward: St Ives

Applicant: Peter Tunks

Owners: Danielle and Peter Tunks

To determine development application No 524/06, which seeks consent for additions and alterations and a new double garage. This matter has been called to Council by Councillor Hall.

Recommendation:

Approval.

GB.2 **35 Water Street & 64 Billyard Avenue, Wahroonga - Restoration of Existing Heritage Item & Construction of 78 Units within 8 Buildings & other Associated Works** **21**

File: DA0855/06

Ward: Wahroonga

Applicant: Mr Ben McGibbon - Murlan Consulting Pty Ltd

To determine development application No.855/06, which seeks consent for restoration of existing heritage item and construction of 78 units within 8 buildings and other associated works.

Recommendation:

Refusal.

GB.3 Companion Animals Committee - Minutes of 22 November 2006 101

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File: S03449

To submit Minutes of the Companion Animals Advisory Committee meeting of 22 November 2006 for the information of Council and to forward the Committee's support for Acron Oval to become an off-leash area.

Recommendation:

That the Minutes of the Companion Animals Advisory Committee meeting held on 22 November 2006 be received and noted and that the Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire.

GB.4 Commonwealth Department of Families, Community Services & Indigenous Affairs - Deed of Funding Agreement - Affixing of Common Seal of Council 109

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File: S02733

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Families, Community Services and Indigenous Affairs (CDFCSIA) and to seek approval to affix the Common Seal of Council on relevant documents.

Recommendation:

That authority be granted to affix the Common Seal of Council to the CDFCSIA Long Form Funding Agreement and associated documents.

GB.5 Policy on the Payment of Expenses & Provision of Facilities to Councillors 112

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File: S03779

To consider an amended policy on Councillors' Expenses and Facilities.

Recommendation:

That the amended Policy for the Payment of Expenses and Provision of Facilities for Councillors be endorsed for placing on public exhibition.

GB.6 Internet, Email & Workplace Surveillance Policy 180

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File: S03881

To present to Council two policies on Internet and Email Usage and Workplace Surveillance for consideration and adoption.

Recommendation:

That Council adopts the Internet & Email Usage Policy and Workplace Surveillance Policy.

GB.7 Firs Estate Cottage, Roseville Park - Outcome of Expression of Interest 222

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File: S05467

Ward: Roseville

To report on the results of the calling of Expressions of Interest (EOI) for the use of the Firs Estate Cottage and to recommend that Council enter into a lease for a period of five (5) years with the preferred proponent.

Recommendation:

That Council adopt the Resolution and that negotiations be entered into for the granting of a lease to the preferred proponent.

GB.8 "Working Together" Draft Strategic Plan for Historic House Museums 229

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File: S03668

To present to Council "Working Together", the draft Historic House Museums Strategic Plan.

Recommendation:

That "Working Together", the draft Historic House Museums Strategic Plan, be placed on public exhibition, and that any comments on the plan be reported to Council.

GB.9 Old Headmaster's Cottage - 175 Rosedale Road, St Ives 268

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File: P64463

Ward: St Ives

To advise Council of the results of the Expression of Interest for the lease of the Old Headmaster's Cottage at 175 Rosedale Road, St Ives, and the need for essential building maintenance works.

Recommendation:

That negotiations be entered into for the granting of a lease and essential building maintenance works be carried out on the property.

GB.10 Draft Pesticide Notification Plan 278

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File: S02790

To place the draft Pesticide Notification Plan on public exhibition.

Recommendation:

That Council endorses the public exhibition of the draft Pesticides Notification Plan for a minimum period of 28 days to allow public comment with a further report to be presented to Council.

GB.11 Bushland, Catchments & Natural Areas Reference Group - Minutes of Meetings of 16 October & 20 November 2006 296

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File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meetings held on Monday, 16 October & Monday, 20 November 2006.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meetings held on Monday, 16 October & Monday, 20 November 2006 and attachments be received and noted.

GB.12 Draft Bushland Encroachment Policy

332

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File: S04801

To place the draft Bushland Encroachment Policy on public exhibition.

Recommendation:

That Council endorses the public exhibition of the draft Bushland Encroachment Policy for a period of 40 days to allow public comment with a further report to be presented to Council.

GB.13 Ku-ring-gai's Sustainability Plan

338

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File: S05592

To inform Council of the research, design, direction, objectives, content and implementation of the Sustainability Plan for Ku-ring-gai.

Recommendation:

That Council adopts the timetable and program for the research and implementation of the Sustainability Plan and also adopts the Global Reporting Initiative as part of the framework for the Sustainability Plan.

GB.14 Tree Preservation Order Review

419

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File: S02052

To advise Council of the status of the Tree Preservation Order (TPO) Review, following the public exhibition of the draft Order, and guidelines for tree assessment and tree replenishment and to make recommendations concerning the finalisation of the draft order.

Recommendation:

That Council endorse the draft order and tree assessment and replenishment guidelines as outlined in this report.

GB.15 Energy Performance Contract

442

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File: S05551

For Council to award a contract for an energy and water performance contractor.

Recommendation:

That Council appoint Energy Conservation Systems (ECS) to undertake a detailed feasibility study and that Council enters into an Energy Performance Contract with ECS based on the Detailed Feasibility Study. That \$665,299 be allocated from Council's New Facilities Reserve to fund the implementation of the contract and that any savings over and above the 6% rate of return be reinvested into the Revolving Energy Fund for future energy and water savings projects and that Council authorise the General Manager and Mayor to affix Council's seal to the contract.

GB.16 Heritage Advisory Committee - Minutes from the Meetings of 26 June 2006 & 28 August 2006

462

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File: S03816

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held on 26 June 2006 and 28 August 2006.

Recommendation:

That Council receive and the note the minutes from the Heritage Advisory Committee meeting held on 26 June 2006.

GB.17 Development Control Plan No 28 - Advertising Signs - Draft Amendments

475

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File: S02367

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

Recommendation:

That Council resolve to exhibit Draft Development Control Plan No 28 - Advertising Signs for a period of 28 days and that a report be brought to Council following the exhibition.

GB.18 Temporary Relocation of the Ku-ring-gai State Emergency Services Headquarters 492

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File: S02541

To update Council on the current condition of the Ku-ring-gai State Emergency Services Headquarters and seek approval for funding of the relocation costs.

Recommendation:

That Council approve funding of \$90,000 for temporary relocation and setup costs of the Ku-ring-gai SES HQ to be funded from Council Contingencies Reserve.

GB.19 Capital Works Program for Stormwater Drainage for 2006 to 2007 503

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File: S02773

To seek Council's approval of a Capital Works Program for Stormwater Drainage for 2006-2007.

Recommendation:

That Council adopts the 2006-2007 Stormwater Drainage Program.

GB.20 Proposed Boundary Variation for the Sydney Ku-ring-gai Fire District 508

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File: S02542

To consider a proposal to vary the boundaries between the Sydney Fire District and Ku-ring-gai Rural Fire District.

Recommendation:

That Council advises the Sydney Fire District and the Ku-ring-gai Rural Fire District of its agreement to the revised boundaries and that Council authorises the General Manager to sign the Master Map Number 037/06/01 showing the revised boundaries.

GB.21 10 Year Financial Model

515

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File: S04708

To present to Council the 10 Year Financial Model 2007 to 2016 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

Recommendation:

That Council adopt the principles as contained in the 10 Year Financial Model and incorporate them into the development of the 2007/2008 budget and Management Plan.

GB.22 Draft Bushfire Prone Land Map (2007)

532

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File: S04805

To seek Council's approval to exhibit the proposed draft Bushfire Prone Land Map for Ku-ring-gai Local Government Area.

Recommendation:

That Council approve the proposed draft Bushfire Prone Land Map (2007) for public exhibition and seek the approval of the Department of Planning to extend the Bushfire Evacuation Risk Map as previously resolved by Council and supported by the NSW Rural Fire Service.

GB.23 Draft Volunteer Ku-ring-gai (VK) Policy & Strategy for Public Exhibition

571

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File: S05083

To present a draft Volunteer Ku-ring-gai Policy and Strategy to Council.

Recommendation:

That the draft Volunteer Policy be placed on public exhibition and that during the exhibition period, workshops be conducted with key volunteer groups.

GB.24 PABX Tender

592

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File: S04826

To provide information on Council's tender for the provision of a PABX telephone system and associated equipment and the tender for fixed line call costs and data services.

Recommendation:

That Council accepts the tender from Optus for the supply of a PABX, fixed line and data services.

GB.25 Marian Street Theatre - Proposed Use & Building Upgrades

603

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File: P51074

To advise Council of the potential issues surrounding the short term use of Marian Street Theatre (MST), and impacts on current and future usage in relation to the building's condition.

Recommendation:

That Council commence an expression of interest process with those groups who have formally registered their interest to use the Theatre, to enter into a short term lease.

GB.26 Proposed Railway Station Pedestrian Overbridge

Report by Acting Director Finance and Business to be circulated separately

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS & PUBLIC EXCLUDED

The Item listed hereunder is recommended for consideration in Closed Meeting, Press & Public excluded for the reason stated below:

- C.1 **Sale of 1 to 7 Carlotta Avenue, Gordon - Council Depot Site** **1**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: S04550

Report by Director Technical Services & Commercial Services Co-ordinator dated
27 November 2006.

John McKee
GENERAL MANAGER

** ** *

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- a. The provisions of:*
 - i. any environmental planning instrument, and*
 - ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. any development control plan, and*
 - iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,
- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	9 WANGANELLA ROAD, ST IVES - ALTERATIONS AND ADDITIONS AND A NEW DOUBLE GARAGE
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	524/06
SUBJECT LAND:	9 Wanganella Road, St Ives
APPLICANT:	Peter Tunks
OWNER:	Danielle and Peter Tunks
DESIGNER:	Architectural Design Service
PRESENT USE:	Residential
ZONING:	Residential 2(C)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 38, DCP 40, DCP 43, DCP 47
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	31 May 2006
40 DAY PERIOD EXPIRED:	10 July 2006
PROPOSAL:	Alterations and additions and a new double garage
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 524/06
PREMISES: 9 WANGANELLA ROAD, ST IVES
PROPOSAL: ALTERATIONS AND ADDITIONS AND A
NEW DOUBLE GARAGE
APPLICANT: PETER TUNKS
OWNER: DANIELLE AND PETER TUNKS
DESIGNER: ARCHITECTURAL DESIGN SERVICE

PURPOSE FOR REPORT

To determine development application No 524/06, which seeks consent for additions and alterations and a new double garage. This matter has been called to Council by Councillor Hall.

EXECUTIVE SUMMARY

Issues:	Streetscape, front setback, garage forward of the building line
Submissions:	No submissions received
Land & Environment Court Appeal:	No appeal lodged
Recommendation:	Approval

HISTORY

Site history:

6 June 2000	Development Application No. 573/00 for a rear deck was approved.
23 September 2004	Application pursuant to Council's Tree Protection Order for removal of an Illawarra Flame tree located on the property was refused.

Development application history:

31 May 2006	Application lodged
15 June 2006	Stop the Clock letter sent to applicant, requesting Built-upon area calculations and a revised Statement of Environmental Effects (SEE) to address DCP38.
26 June 2006	Revised SEE submitted.
6 July 2006	Letter to applicant requesting correct Built-upon area calculations to be provided and cut and fill details.

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19 July 2006	Requested information submitted.
28 July 2006	Letter sent to applicant raising concerns that the development would impact on a mature Flame Tree. The letter also requested that the Flame Tree be shown on the survey plan.
24 August 2006	Survey plan showing Flame Tree and Arborist report submitted.
6 October 2006	Amended plans received. Further assessment deems the proposal to be non-compliant with DCP38.
19 October 2006	Applicant given the opportunity to amend the plans. No changes made.
20 November 2006	Application called to Council meeting for determination by Councillor Hall.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(C)
Visual Character Study Category:	1945-1968
Lot Number:	14
DP Number:	223944
Area:	925.9m ²
Side of Street:	Northern
Cross Fall:	Front to rear
Stormwater Drainage:	To drainage easement along western boundary of site
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	Yes - Bushfire prone vegetation buffer
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The subject site is an irregular, triangular shaped allotment and is located on the western corner of Wanganella Road and Wandeen Place, St Ives. The site has a long frontage to Wanganella Road of approximately 40m and a frontage to Wandeen Place of approximately 5.3m. The western boundary has a length of 38.015m, whilst the northern boundary measures 50.125m. The site has a total area of 925.9sqm.

The site contains a single storey brick and tile residence with an existing swimming pool located in the rear yard and a lean to double carport addition along the eastern side elevation of the dwelling. Due to an approximate alignment of 30 degrees to the Wanganella Road frontage, the existing dwelling has a varying setback of 5m to 14m.

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The site is located on the low side of the street. There are hedges, shrubs and trees along the front boundary of the site, which provides some screening of the property.

Surrounding development

The surrounding area consists of a mix of one and two storey dwellings, where garages and/or carports are predominantly either set back behind the front building line or are flush with the front building line.

THE PROPOSAL

The application seeks approval for additions and alterations to an existing single storey dwelling. The additions are all at ground floor level, thus retaining the single storey design of the residence. Details of the proposed development are as follows:

- Demolish the existing flat roof metal double carport.
- Extend Bedroom 1 and construct a new ensuite.
- Construct a new bedroom and study.
- Convert an existing bedroom and extend for a new family room.
- Construct a double garage to the front of the new bedroom.
- Replace the existing driveway with a new driveway and car parking bay.

The existing double garage adjoining the eastern side boundary is to be displaced by the proposed bedroom, study and family room. The proposed double garage will have a varying setback of 5.5m to 9.2m to the front boundary with Wanganella Road. The garage will have an internal width of 7.5m and a depth of 6m.

The proposed additions will require the removal of an existing Magnolia tree and some shrubbery within the front yard. An arborist report has been submitted which recommends the removal of a 12m high Illawarra Flame Tree, located to the east of the proposed garage.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, adjoining owners were given notice of the application. In response, no submissions have been received.

CONSULTATION - WITHIN COUNCIL

Landscape Officer

Council's Landscape Officer, Tempe Beaven, supports removal of the Magnolia tree, but not removal of the Flame tree, due to its good health. Overall, the application is supported, subject to conditions, including that the garage be set back 3.5m from the Flame tree. Amended plans have been submitted showing the garage set back 3.8m from the Flame tree. **(Refer to Conditions Nos 16, 17, 18, 19, 20, 21, 35, 36 and 37).**

Development Engineer

Council's Development Engineer, Ross Guerrero, supports the proposal, subject to standard engineering conditions. (**Refer to Conditions Nos 22, 23, 24, 25, 26, 27, 32, 33, 39 and 40**).

CONSULTATION – EXTERNAL REFERRAL BODIES

Rural Fire Service

The Rural Fire Service did not object to the proposal and did not recommend any conditions.

PROVISIONS OF RELEVANT LEGISLATION

STATUTORY PROVISIONS

State Environmental Planning Policy No 55 – Remediation of land

The site has a history of residential use. There are no concerns related to potential contamination.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposals numeric compliance	Complies
Site Area: 930 m ²	925.9m ²	NO (existing lot)
Building height 8m (max)	3.4m	YES
Built-upon area 60% (555.54m ²)(max)	46.91% (436.28m ²)	YES

Aims and objectives for residential zones:

The proposal in its current form is unsatisfactory having regard to the following aims and objectives for residential development as outlined by Schedule 9:

- 1(a) *to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones.*
- 2(e) *all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development.*

The setback of the double garage to Wanganella Road is not compatible with the existing streetscape character and will result in undue bulk and scale. The garage will dominate the dwelling and will impact on the amenity of the surrounding area.

POLICY PROVISIONS

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DCP 38 – Ku-ring-gai Residential Design Manual

COMPLIANCE TABLE		
Development control	Proposals numeric compliance	Complies
Site Area: 925.9m ²		
4.1 Streetscape:		
Building setbacks (s.4.1.3)		
<ul style="list-style-type: none"> Front setback: (Wanganella Rd) 9m – low side 	Varies from 5.5m to 9.2m	NO
<ul style="list-style-type: none"> Corner site street frontage setback: (Wandeen Place) 3.8m(min) 	9.8m	YES
<ul style="list-style-type: none"> Side setback: Ground floor: 1.98m(min) 	Varies from 1.1m to 5m to the north-east boundary	NO
<ul style="list-style-type: none"> Rear setback: (based on site depth of 42m) 10.5m(min) 	24.8m	YES
4.2 Building form:		
Height of building (s.4.2.2)		
<ul style="list-style-type: none"> 2 storey (max) and 8m (site >20° slope) or 7m (site <20° slope) 	1 storey & 3.4m	YES YES
Building height plane (s.4.2.3)		
45° from horizontal at any point 3m above boundary	Proposed additions located entirely within building height plane	YES
Roof line (s.4.2.6)		
<ul style="list-style-type: none"> Roof Height (5m – single storey) (3m – two⁺ storey) 	2m	YES
<ul style="list-style-type: none"> Roof Pitch 35° (max) 	24°	YES
Built-upon area (s.4.2.7)		
56% (518.5m ²) (max)	46.91% (436.28m ²)	YES
Unrelieved wall length (s.4.2.8)		
12m (min)	21m	NO
Solar access (4.2.11)		
4h solar access to adjoining properties between 9am to 3pm	4+ hours to all adjoining properties	YES
Cut & fill (s.4.2.14)		
<ul style="list-style-type: none"> Max cut 900mm 	400mm for garage	YES

COMPLIANCE TABLE		
Development control	Proposals numeric compliance	Complies
<ul style="list-style-type: none"> max cut & fill across building area of 1800mm and 900mm no cut or fill within side setbacks 	<p>400mm</p> <p>No cut or fill within side setbacks</p>	<p>YES</p> <p>YES</p>
4.3 Open space & landscaping:		
Soft landscaping area (4.3.3) 44% (407.4m ²) (min)	53.09% (493.62m ²)	YES
Tree replenishment (s.4.3.6) 5 Trees required	5+ trees	YES
Useable open space (s.4.3.8) Min depth 5m and min area 50m ²	Depth 12m Area 144m ²	YES
4.5 Access & parking:		
No. of car parking spaces (s.4.5.1) 2 spaces behind building line	0 spaces behind building line	NO
Size of car parking space (s.4.5.2) 5.6m wide x 5.4m long	7.4m wide x 6m long	YES
Design of carports and garages (s.4.5.3) Where forward of the building line, front setback complies with s.4.1.3 and/or the building line Required front setback = 9m	Varies from 5.5m to 9.4m	NO
Driveway width (s.4.5.6) 3.5m (max) measured at front site boundary	Driveway at front boundary to remain unaltered at 3.8m	NO

Part 4.1 – Streetscape

Front setback:

The proposed garage does not comply with the required front setback of 9m. This non-compliance will be discussed further in part 4.5 below.

Side setback:

The required north-eastern side setback is encroached upon by small “pinch point” sections of the proposed addition. However, the infringement is considered acceptable as the single storey design will have no detriment on the amenity of the adjoining, two storey, property and the streetscape

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character. The proposed setback provides adequate space for screen planting to be established and maintained along the north-eastern (side) boundary.

Part 4.2 – Building form

Unrelieved walls:

The existing rear wall is 17.8m wide. The family room extension will result in a total unrelieved wall length of 21m. The unrelieved wall is single storey and faces the rear of the site and therefore, will not impact on the streetscape or adjoining properties. Numerous windows and doors are located on this wall and provide an adequate level of architectural relief.

Part 4.4 – Privacy & security

The proposed alterations and additions will not pose any visual privacy issues for the adjoining property at no. 2 Wandeen Place. There will be no overlooking as the development is single storey and there is a side boundary fence separating the two properties.

Part 4.5 – Access & parking

DCP38 requires car parking to be located behind the building line and allows car parking structures forward of the house where it is not possible to provide parking behind the building line. The purpose of this control is to ensure an attractive streetscape so that car parking structures are not a dominant element in the streetscape.

DCP38 permits a reduced front setback for parking structures or a location forward of the building line where, owing to limited side setback space (less than 3.6m), or topographical constraints, it is not possible to locate the parking space behind the minimum permissible setback or the building line.

In such instances:

- the structure must be open sided;
- the structure must be located at a maximum possible distance from the front property boundary; and
- the design of the structure must be of a scale and form that is compatible with the streetscape character.

The proposed garage does not achieve the above controls for the following reasons:

- 1) The proposed setback of 5.5m represents an excessive encroachment of 3.5m into the required front setback of 9m, and a projection for the full length of the garage forward of the existing building line.
- 2) The applicant proposes a fully enclosed garage and not a carport and there is existing compliant undercover parking for two vehicles flush with the front of the dwelling along the eastern side boundary.

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- 3) The garage will be a dominant element visible from the public domain and not the front façade of the dwelling proper, particularly as the existing dwelling is single storey. The garage is excessively dimensioned at 7.5m wide x 6m long. The dimensions specified in the Australian Standard for a double garage are 5.6m wide x 5.4m long. The width of the garage exacerbates its imposition on the streetscape.
- 4) The garage as currently proposed will not be in keeping with the streetscape character of Wanganella Place which is characterised by open front yards and a prevailing absence of garaging and/or car parking forward of the building line.

There are two exceptions on Wanganella Road, however, they were approved prior to the adoption of DCP38 as follows:

- 1) **1 Wanganella Road (corner of Warrimoo Avenue)** – The garage on this site faces Wanganella Road and has a setback of 3.8m – 6.1m to the street frontage of Wanganella Road. However, the dwelling has a setback of 8.7m – 10.3m to Warrimoo Avenue, with Wanganella Road being considered as the secondary frontage. As such, the setbacks to Wanganella Road are compliant with the side setback requirements for corner sites. This site is located approximately 136m east of the subject site, with neither site being visible from the other.
- 2) **18 Wanganella Road (corner of Waipori Street)** – The carport on this site faces Waipori Street and has a front setback of approximately 2.1m – 2.6m. The carport is set back 8m – 9m from Wanganella Road. The dwelling is oriented towards Waipori Street and the carport is largely obscured from the Wanganella frontage by fencing and established vegetation. This site is located approximately 35m south-west of the subject site.

It is noted that the subject site is of irregular shape, however this alone does not justify approval of a garage that is non-compliant with the front setback controls, nor does it prevent alternate design options to achieve the objectives of the KPSO and DCP38. The site may be better suited for an upper level addition, thereby allowing the recession of any garaging to be more commensurate with the established building line.

Despite the above, concession can be granted for this proposal due to the angle and varied setback of the garage to the street, and the fact that the property is on the low side of Wanganella Road.

The proposed front setback varies from 5.5m to 9.2m. As the controls stipulate that the parking structure should be “located at the maximum possible distance from the front property boundary,” it is considered that a greater setback can be achieved by reducing the depth of the proposed addition by a total of 1.4m. This will require a reduction to the depth of the garage and the proposed bedroom, study and/or family room. Although the garage and rooms will be reduced in size, they would still provide for a functional living space and the garage will remain compliant with the Australian Standard for car parking.

As such, the application is recommended for approval, subject to **Condition 2**, which stipulates:

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“In order to maintain the amenity of the streetscape, the proposed garage is to be set back a further 1.4m so as to be a minimum of 6.5m from the front boundary of Wanganella Road as indicated in red on the approved plans. Revised plans shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate.”

The proposal also includes a car parking bay within the front setback. The additional car parking bay contravenes the objectives and requirements of DCP38. The car space would result in a third space forward of the building line, and unnecessarily compromises the depth of soft landscaping within the front setback. In addition, the car space will not act as a turning bay as there is insufficient space for vehicles to manoeuvre from the garage into the space. As such, this car space should be deleted from the plans. **(Refer to Condition No 3).**

LIKELY IMPACTS

The likely impacts of the proposed additions and garage have been considered and are found to be satisfactory, subject to conditions.

SUITABILITY OF THE SITE

The site is suitable for the development, subject to the recommendation that the garage be set back a minimum of 6.5m from the front boundary.

ANY SUBMISSIONS

No submissions were received in relation to the proposal.

PUBLIC INTEREST

The proposal will be in the public interest if the setback to the frontage is increased as is recommended to maintain the streetscape character.

CONCLUSION

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is suitable for the site, subject to conditions.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979.

THAT Council, as the consent authority, grant development consent to Development Application No. 524/06 for additions and alterations and a new garage on land at 9 Wanganella Place, St Ives, as shown on plans drawn by Architectural Design Service, titled Amended Plan for Council Requirements Oct: 06/1, dated April 2006, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No **524/06** and Development Application plans prepared by **Architectural Design Service**, titled ***Amended Plan for Council Requirements Oct: 06/1***, dated ***April 2006***, and lodged with Council on ***6 October 2006***.
2. In order to maintain the amenity of the streetscape, the proposed garage is to be set back a further 1.4m so as to be a minimum of 6.5m from the front boundary of Wanganella Road as indicated in red on the approved plans. Revised plans shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate.
3. The proposed car parking bay is to be deleted from the plan. Revised plans shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate.
4. All building works shall comply with the Building Code of Australia.
5. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
15. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
16. External materials, finishes and colours for the approved additions and alterations shall be sympathetic to the existing dwelling. All external finishes and materials shall be completed to the satisfaction of the Principle Certifying Authority.
17. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location

Brachychiton acerifolius, north-east boundary, front setback

Tree Works

Minor pruning only of lower limb to provide clearance for garage roof

18. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

Brachychiton acerifolius, north-east boundary, front setback

Tree Works

Minor pruning only of lower limb to provide clearance for garage roof

Item 1

19. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
20. No mechanical excavation for the approved garage shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Brachychiton acerifolius, north-east boundary, front setback</i>	<i>3m</i>

21. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
22. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
23. Stormwater runoff collected from all new impervious areas and subsoil drainage systems must be discharged via the existing site drainage system prior to direct connection to the existing stormwater drainage easement. The installation of any new drainage system components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.
24. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
25. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
26. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any

Item 1

public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

27. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
28. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

29. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

30. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
31. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or

Item 1

not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

32. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
33. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
34. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, written certification from a licensed plumber relating to the placement of additional runoff into the existing site drainage system. The certification must be based on an inspection of the existing site drainage system and must declare:
 - a) The satisfactory operating condition of the existing system and satisfactory capacity for additional runoff generated by the development, and
 - b) Acknowledgment that, based on their professional experience, there will be no deleterious effect on the existing, adjacent or downstream properties as a result of the continued use of the existing system.

The inspecting plumber must also include with the certification a sketch plan of the point and method of discharge for the existing stormwater drainage system. Where the existing site drainage system is found to be unsatisfactory for continued use, the applicant is to submit plans and specifications for an upgraded stormwater disposal system, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate. Plans are to be

Item 1

prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.

PRIOR TO WORK COMMENCING

35. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
36. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius In Metres
<i>Brachychiton acerifolius, north-east boundary, front setback</i>	<i>2m</i>

37. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
38. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

PRIOR TO OCCUPATION

39. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
40. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
41. Prior to issue of the Occupation Certificate the applicant must submit certification from the installing plumbing contractor to the Principal Certifying Authority that:

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- a) The components of the new drainage system have been installed by a licensed contractor in accordance with the *National Plumbing and Drainage code* AS3500.3 (2003) and the *Building Code of Australia*, and
- b) The stormwater drainage works have been completed in accordance with the approved Construction Certificate approved drainage plans and Ku-ring-gai Council Water Management DCP 47.

A qualified civil/hydraulic engineer may provide this certification in lieu of the installing contractor.

L Chu
Development Assessment Officer

M Leotta
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

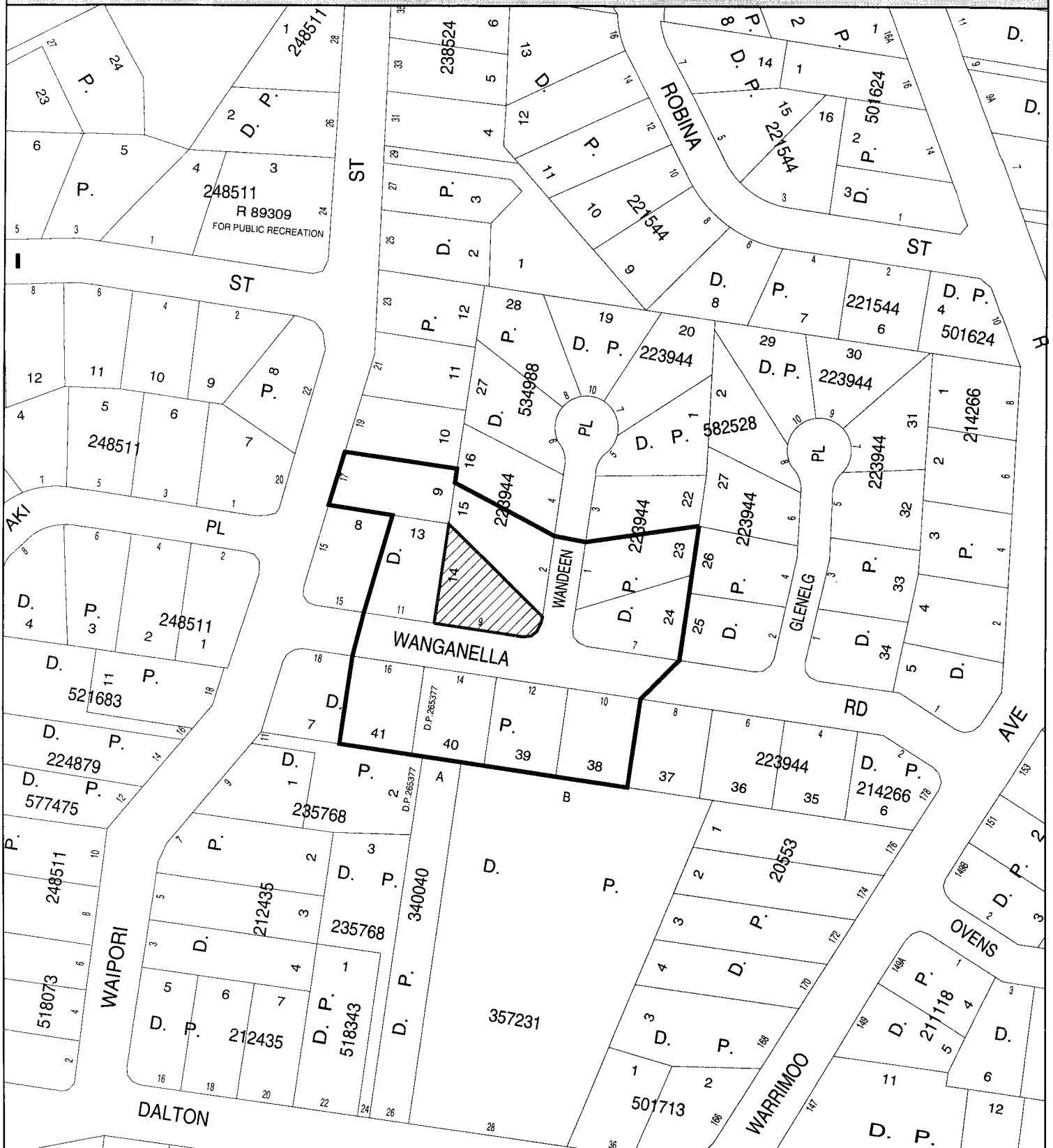
M Miocic
Director
Development & Regulation

Attachments: **Location sketch - 703284**
 Zoning extract - 703284
 Architectural plan (includes site plan, floor plan and elevation plan) -
 703284

LOCATION SKETCH

9 Wanganella Road, ST IVES CHASE

DEVELOPMENT APPLICATION No 0524/06



No Written Responses

Scale : 1:2000

29-11-2006



SUBJECT LAND



CIRCULATED AREA



9 WANGANELLA RD ST IVES DA 0524/06



- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H

(a) RETAIL SERVICES

FLOOR SPACE RATIOS

A1	2.0:1
A2	1.0:1
A3	0.75:1

(b) COMMERCIAL SERVICES

FLOOR SPACE RATIOS

B1	1.0:1
B2	1.0:1

(a) SPECIAL USES A (Schools etc) SCHOOL

(a1) SPECIAL USES A1 5(a1)

(b) SPECIAL USES (Railway) [REDACTED]

6. OPEN SPACE

(a) RECREATION EXISTING [REDACTED]

(b) RECREATION PRIVATE [REDACTED]

(c) RECREATION PROPOSED [REDACTED]

(a) OPEN SPACE
(Public Parks & Recreation)

(b) COUNTY OPEN SPACE

SPECIAL USES

SPECIAL USES (Parking etc)

ROADS

(a) COUNTY ROAD PROPOSED

(b) COUNTY ROAD WIDENING

(c) LOCAL ROAD PROPOSED

(d) LOCAL ROAD WIDENING

EXISTING COUNTY ROAD

OTHER PLANNING INSTRUMENTS

Scale: 1:2000
Date: 29-11-2006



NOTE:
NEW BRICKWORK TO MATCH EXISTING
IN COLOUR TEXTURE & BOND.

NOTE:
GYPSUM WALL & CEILING LINING
TO MATCH EXISTING.



AREAS: BLUIT WFOV AREA CALCULATIONS	
VALID	
020-048	
EXISTING HOUSEHOLD	EXISTING CLASH
EXISTING HOUSE	EXISTING HOUSE
DECK	DECK
BALL & SURROUNDING	BALL & SURROUNDING
EXISTING CARPORT	EXISTING CARPORT
EXISTING DRIVEWAY	EXISTING DRIVEWAY
TOTAL	TOTAL
NET	NET
0	0
57.88	149.88
12	12



- NOTE: FLOOR DIMENSIONS TAKEN IN PREFERENCE TO SCALED DRAWING TO CHECK & VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF WORK.
- NOTE: PROPOSED ALTERATIONS & ADDITIONS TO COMPLY WITH LEGAL COLLISION AUTHORITY & BUILDING CODES OF AUSTRALIA.
- NOTE: REINFORCED CONCRETE STRUCTURES, BRICK & CONCRETE SLAB FLOOR TO BE REINFORCED.

PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
AT 3 WANGANUELLA RD. ST. IVES. LOT 14. D.P. 223944
FOR MR. P. & MRS. D. TUNKS.

AMENDED PLAN FOR
COUNCIL REQUIREMENTS
OCT 06/1

DATE:
APRIL 2006

SCALE:
1:100

AREA:
LAND 999.94

ARCHITECTURAL DESIGN
SERVICES
DRAWN: HLM
0000 0000 0000 0000

Item 2

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	35 WATER STREET AND 64 BILLYARD AVENUE, WAHROONGA - RESTORATION OF EXISTING HERITAGE ITEM AND CONSTRUCTION OF 78 UNITS WITHIN 8 BUILDINGS AND OTHER ASSOCIATED WORKS
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	855/06
SUBJECT LAND:	35 Water Street and 64 Billyard Avenue, Wahroonga
APPLICANT:	Mr Ben McGibbon - Murlan Consulting Pty Ltd Murlan Consulting Pty LtdMurlan Consulting Pty LtdMurlan Consulting Pty Ltd
OWNER:	Waterbrook at Wahroonga Pty Ltd
DESIGNER:	Tanner Architects
PRESENT USE:	Currently unused
ZONING:	5 special uses and 2c residential
HERITAGE:	Yes - local item "Rippon Grange"
PERMISSIBLE UNDER:	SEPP Senior Living 2004
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 40, DCP 47, DCP 56
COMPLIANCE WITH CODES/POLICIES:	NO
GOVERNMENT POLICIES APPLICABLE:	SEPP Seniors Living 2004, SEPP 65, REP 20, BASIX
COMPLIANCE WITH GOVERNMENT POLICIES:	NO
DATE LODGED:	4 August 2006
40 DAY PERIOD EXPIRED:	13 September 2006
PROPOSAL:	Restoration of existing heritage item and construction of 78 units within 8 buildings and other associated works.
RECOMMENDATION:	Refusal

Item 2

DEVELOPMENT APPLICATION N^o 855/06
PREMISES: 35 WATER STREET AND 64 BILLYARD
AVENUE, WAHROONGA
PROPOSAL: RESTORATION OF EXISTING HERITAGE
ITEM AND CONSTRUCTION OF 78
SENIORS LIVING RESIDENTIAL UNITS
WITHIN 8 BUILDINGS, BASEMENT CAR
PARKING AND LANDSCAPE WORKS
APPLICANT: MR BEN MCGIBBON - MURLAN
CONSULTING PTY LTD
OWNER: MURLAN CONSULTING PTY LTD
DESIGNER: TANNER ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.855/06, which seeks consent for restoration of existing heritage item and construction of 78 units within 8 buildings and other associated works.

EXECUTIVE SUMMARY

Issues:	Heritage, bulk/ scale, streetscape, Blue Gum High Forest, privacy, landscaping
Submissions:	329 submissions received
Land & Environment Court Appeal:	No appeal lodged.
Recommendation:	Refusal

HISTORY

Site history

There are no previous development applications relevant to this proposal.

Development application history

4 August 2006	Development application lodged.
18 August 2006	Notification commenced.
25 August 2006	Additional information lodged in support of the application.
30 September 2006	Notification period extended to this date.
12 October 2006	Submission received from the Heritage Office.

THE SITE AND SURROUNDING AREA

Item 2

The Site

Zoning:	5 special uses and 2c residential
Visual Character Study Category:	1920-1945
Lot Number:	1,1,2
DP Number:	375262 & 726091 & 375262
Heritage Affected:	Yes - local item 'Rippon Grange'
Bush Fire Prone Land:	No
Endangered Species:	Endangered Ecological Community (Blue Gum High Forest)
Urban Bushland:	No
Contaminated Land:	Satisfactory

The development site comprises Lot 1 in DP 375262 (No.35 Water Street), Lot 1 in DP 726091 (No. 64 Billyard Avenue) and Lot 2 in DP 375262, Wahroonga. The site has two zonings under the KPSO. The primary development lot being 35 Water Street, is rectangular in shape and is zoned 5(a) Special Uses (Hospital). No.64 Billyard Avenue consists of the lot located on the corner of Billyard and Young Streets and is zoned 2(c) Residential. The remaining Lot 2, DP 375262, is a small curved adjunct lot along the southern boundary of the site which is zoned 5(a) special uses (Hospital).

The development has frontages to Water, Young and Billyard Streets of 124.625m, 135.130m and 23.56 metres, respectively and extends the full length of Young Street, between Water and Billyard Streets. The site has a total area of approximately 22,932m² and the land falls between 15m and 24m across the site down to the south-eastern corner.

The site is heritage listed and specifically contains a number of heritage items being the original house (Rippon Grange), its associated stables, various hospital additions, swimming pool, glass house, garden and garden structures and grove of Eucalypts.

The site also contains a number of significant trees and vegetation including a Bunya Pine and Blue Gum High Forest. The Blue Gum High Forest is recognised as an endangered ecological community under the Threatened Species Conservation Act 1995.

Surrounding development

The surrounding area is mostly residential in character consisting of single dwelling houses. To the north-east of the site is Wahroonga Public School, known as the Bush School. Generally to the north are larger scale single dwelling houses. Adjoining the site to the south and west are mostly single dwelling houses. To the east, along Young Street, are mostly single dwelling houses.

THE PROPOSAL

The development category for the purposes of Senior's Living is 'Self contained dwellings' as defined within State Environmental Planning Policy (Seniors Living) 2004 (SEPP SL 2004):

Item 2

“Self contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.”

The development does not fall within the vertical village category, as the subject site is not zoned for residential or commercial purposes, as prescribed within SEPP SL 2004.

The proposal consists of:

- Partial demolition of existing structures, including later additions to Rippon Grange,
- Restoration and conversion of Rippon Grange for use as a multi functional centre for the Seniors Living development,
- Adaptable reuse of the stables and restoration of the swimming pool.
- Construction of 78 residential units within 8 buildings for the purposes of Seniors Living consisting of 7 x 2 bedroom, 61 x 3 bedroom and 10 x 3 bedroom ‘penthouse’ apartments, and
- A total of 185 basement parking spaces have been provided, 151 have been allocated to residents and 34 to visitors. The main basement plan incorporates parking for Buildings A, B1, B2, C and D and visitor parking totalling 159 spaces. There are two access points, Water Street entrance for visitors and Young Street for residents, which is to the south-eastern corner of the site. The basement parking for Buildings E1 and E2 provides 14 spaces and is accessed from an access point from Young Street. The 12 basement parking spaces for Building F are accessed from a single access point from Young Street.

Building A

- Building A comprises 8 apartments and is 4 storeys in height.

Building B-1 & B2

- Buildings B 1 and B2 -comprise 29 apartments, are 7 storeys in height and contain a gym, beautician and foyer/ sitting area.

Building C

- Building C comprises 18 apartments and is 6 storeys in height.

Building D

- Building D comprises 10 apartments and is 5 storeys in height.

Building E1 – E2

- Buildings E1 and E2 comprise 7 apartments and are 2 storeys in height.

Item 2

Building F

- Building F comprises 6 apartments and is up to 4 storeys in height.

The applicant has stated that the development will be served by approximately 11 staff over a 24 hour period. Rippon Grange is currently vacant and consists of rooms typical for this type of grand house such as formal and informal lounge rooms, games rooms, bedrooms and kitchen. The proposed refurbishment of this building consists of the following:

- library,
- reception,
- restrooms,
- dining rooms,
- games rooms,
- TV room,
- lounge room,
- offices,
- kitchen and associated cool rooms, and
- cinema.

In addition to the 78 apartments, the new buildings will consist of the following:

- pool,
- gymnasium,
- store and plant rooms,
- beautician's suite, and
- sitting room.

CONSULTATION - COMMUNITY

In accordance with Council's DCP 56, owners of surrounding properties were given notice of the application. In response, 329 submissions from the following were received:

Mr M M Giblin - 50 Burns Road WAHROONGA
P Stewart-Hall - 74 Carrington Road WAHROONGA
E Chadwick - 80 Burns Road WAHROONGA
Mrs M R Cleary - 26 Water Street WAHROONGA
Dr J Southwick AM - 10 Billyard Avenue WAHROONGA
Mrs R M Ashes - 6 Collins Road ST IVES
Mr W A Cleary - 26 Water Street WAHROONGA
Mr P M Cook - 97 Boundary Road WAHROONGA
Mr S and Mrs A Dove - 3 Sutherland Avenue WAHROONGA
George, Joanna and James Capetanakis - 10 Ingram Road WAHROONGA
Ms J Klopfer - 52 Billyard Avenue WAHROONGA

Item 2

Mr J Ashes - 33 Young Street WAHROONGA
Mr G White - 2/93 Pentecost Avenue PYMBLE
Mr M Ashes - 33 Young Street WAHROONGA
Mr A M Chapman - 21A Water Street WAHROONGA
Mr R and Mrs L Caprioli - 31 Water Street WAHROONGA
Mr and Mrs KM Yi - 55 Boundary Road WAHROONGA
Mr G Hill – Principal Wahroonga Public School - 71 Burns Road WAHROONGA
Mr C Sharpe - 24 Water Street WAHROONGA
Mr D Yung - 1 Chilton Road WARRAWEE
Elodie Moreau - 16 Holt Avenue WAHROONGA NSW 2076
Miss Imogen Lees - 5 Sutherland Avenue WAHROONGA NSW 2076
Arthur Lees - 5 Sutherland Avenue WAHROONGA NSW 2076
Mrs R Lees - 5 Sutherland Avenue WAHROONGA NSW 2076
Mrs J L Vigo - 57a Burns Road WAHROONGA NSW 2076
D O & B J Magee - 21 Water Street WAHROONGA NSW 2076
Mrs J M James - 65 Billyard Avenue WAHROONGA NSW 2076
Mr Y and Mrs J Leighton - 46 Billyard Avenue WAHROONGA NSW 2076
Mr P Sinclair - 31 Young Street WAHROONGA NSW 2076
J Sinclair - 31 Young Street WAHROONGA NSW 2076
Ms C Wright - 63A Billyard Avenue WAHROONGA NSW 2076
Ms K Wright - 63A Billyard Avenue WAHROONGA NSW 2076
Mr R Wright - 63A Billyard Avenue WAHROONGA NSW 2076
Ms M Parker - 49 Water Street WAHROONGA NSW 2076
Mrs S C Fewtrell - 30 Water Street WAHROONGA NSW 2076
D J Farram - 23A Cleveland Street WAHROONGA NSW 2076
V & M Virgona - 27-29 Chilton Parade WARRAWEE NSW 2074
Mr G Klopfer - 52 Billyard Avenue WAHROONGA NSW 2076
C Este - Customer Services Officer Australian Financial Investments Group Pty Ltd - 12
Castlereagh Street, SYDNEY NSW 2000
M Mendes - 57 Water Street, WAHROONGA NSW 2076
A Thomas - 17 Chilton Parade, WARRAWEE NSW 2074
K Wightman - 7 Morris Avenue, WAHROONGA NSW 2076
Mr W & Mrs K White - 19 Billyard Avenue, WAHROONGA NSW 2076
M Scott - 84 Merrivale Road, PYMBLE NSW 2073
I & A Richter - 15 Davidson Avenue, WARRAWEE NSW 2074
J & S Asnicar - 14 Kintore Street, WAHROONGA NSW 2076
Mrs L Brackin - 31 Bangalla Street, WARRAWEE NSW 2074
M Beard - 11 Sutherland Avenue, WAHROONGA NSW 2076
D & H Hazelwood - 11 Davidson Avenue, WARRAWEE NSW 2074
W R Spain - 59 Water Street WAHROONGA NSW 2076
G A Felton - 73 Billyard Avenue WAHROONGA NSW 2076
C Shale - 11 Chilton Parade WARRAWEE NSW 2074
Dr M Moor - 34 Water Street WAHROOONGA NSW 2076
Mr J Beard - 11 Sutherland Avenue WAHROONGA NSW 2076
O & J Thomas - 40 Grosvenor Street WAHROONGA NSW 2076
E & M Jones - 26A Water Street WAHROONGA NSW 2076

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Mrs F E Chilton - 28 Chilton Parade WARRAWEE NSW 2074
Dr S W & Mrs S Birch - 20 Braeside Street WAHROONGA NSW 2076
Dr D McHarg & Dr W King - 17 Sutherland Avenue WAHROONGA NSW 2076
J Cook - 28A Water Street WAHROONGA NSW 2076
Mrs F Hanney - 70 Billyard Avenue WAHROONGA NSW 2076
Mr I A Ramage - 2/25-29 Millewa Avenue WAHROONGA NSW 2076
N & J Savage - 11 Randolph Street WAHROONGA NSW 2076
S & C Marais - 74B Burns Road WAHROONGA NSW 2076
A G Moyes A.O. - 20 Cleveland Street WAHROONGA NSW 2076
M & J Kalaf - 6 Chilton Parade WARRAWEE NSW 2074
G A Felton - 73 Billyard Avenue WAHROONGA NSW 2076
Dr L S Wije-Tunga - Orthopaedic Surgeon - 133 Erina Street GOSFORD NSW 2250
Mrs S Wije-Tunga - 12 Water Street WAHROONGA NSW 2076
Mr R J Dundas-Smith - 104 Coonanbarra Road WAHROONGA NSW 2076
Miss A Burford - 15 Randolph Street WAHROONGA NSW 2076
K Chestney - 3 Kate Street TURRAMURRA NSW 2074
Mr J & Mrs K Gyngell - 30A Water Street WAHROONGA NSW 2076
Ms J Munro - 1 Hillcrest Street WAHROONGA NSW 2076
Mr S J Van Es - 18 Clissold Road WAHROONGA NSW 2076
Mr & Mrs Donaldson - 74 Billyard Avenue WAHROONGA NSW 2076
Mr P Castine - 40 Water Street WAHROONGA NSW 2076
N Van Der Merwe - 21 Young Street WAHROONGA NSW 2006
N W Seage - 104 Boundary Road WAHROONGA NSW 2076
Dr E & Mrs J Husodo - 25 Braeside Street WAHROONGA NSW 2076
Mr G & Mrs K Clark - 4 MacKenzie Street LINDFIELD NSW 2070
Mr I & Mrs S Dreverman - 2A Water Street WAHROONGA NSW 2076
J M & M E Burley - 9 Randolph Street WAHROONGA NSW 2076
Ms J Goddard - Conservation Director - National Trust of Australia (NSW) GPO Box 518
SYDNEY NSW 2001
Ms B Whittaker - 28A Water Street WAHROONGA NSW 2076
Mr M Maritz - 2 Hillcrest Street WAHROONGA NSW 2076
E R & N J Baker - 45 Billyard Avenue WAHROONGA NSW 2076
Wahroonga Chamber of Commerce Attention : Mr P Young - President PO Box 526
WAHROONGA NSW 2076
O & M Aubrey - 5 Chilton Parade WARRAWEE NSW 2074
J Hordern-Rhynehart - 18 Chilton Parade WARRAWEE NSW 2074
Mr I A Jamieson - 14 Warrawee Avenue WARRAWEE NSW 2074
Mr P Williams - 61A Kintore Street WAHROONGA NSW 2076
R & E Albert - 18 Billyard Avenue WAHROONGA NSW 2076
K Lai - 31A Young Street WAHROONGA NSW 2076
A & A Gibson - 93A Boundary Road WAHROONGA NSW 2076
K M Quaife - 1 Randolph Street WAHROONGA NSW 2076
V M Rafael - 6 Hillcrest Street WAHROONGA NSW 2076
Mr W Bosley - 47 Billyard Avenue WAHROONGA NSW 2076
K Morgan - 61 Water Street WAHROONGA NSW 2076
R & B Kennedy - 65A Kintore Street WAHROONGA NSW 2076

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A Orchard - 29A Young Street WAHROONGA NSW 2076
P & K Phillips - "Coolabah" 39 Burns Road WAHROONGA NSW 2076
L Morgan - 61 Water Street WAHROONGA NSW 2076
A J Tinworth - 16 Grosvenor Street WAHROONGA NSW 2076
J S Chapman- 21A Water Street WAHROONGA NSW 2076
J Driscoll - PO Box 1207 WAHROONGA NSW 2076
Mr G E Youlden - 37A Chilton Parade WARRAWEE NSW 2074
Miss C Vaughan - 28 Water Street WAHROONGA NSW 2076
Master M Vaughan - 28 Water Street WAHROONGA NSW 2076
Master H Vaughan - 28 Water Street WAHROONGA NSW 2076
H S & P A Metcalf - 9 Illoura Avenue WAHROONGA NSW 2076
J D Duncan - 5 Fadden Place WAHROONGA NSW 2076
Mr D Allan - 17 Water Street WAHROONGA NSW 2076
Mr D B Duncan - 5 Fadden Place WAHROONGA NSW 2076
D Dunn - 12 Raymond Avenue WARRAWEE NSW 2074
S Vants - 18 Clissold Road WAHROONGA NSW 2076
Mr C Parker - 49 Water Street WAHROONGA NSW 2076
Mrs D Sully - 51 Fox Valley Road WAHROONGA NSW 2076
Mr K Dodds - 2 Barton Crescent WAHROONGA NSW 2076
Ms G Dudek - 2 Barton Crescent WAHROONGA NSW 2076
G Aitchison & L Clifford - 30 Burns Road WAHROONGA NSW 2076
Mr F Tkalec - 55 Water Street WAHROONGA NSW 2076
Mr K Wyld - 11 Bangalla Street WARRAWEE NSW 2074
L Wickenden - 98 Bungan Head Road NEWPORT NSW 2106
S O'Donnell - 4 Dorset Drive ST IVES NSW 2075
Mr K Thomas- 17 Chilton Parade WARRAWEE NSW 2074
Mr A Hislop - 7 Water Street WAHROONGA NSW 2076
L & H Essing - 11A Water Street WAHROONGA NSW 2076
J & J Gissing - 9A Water Street WAHROONGA NSW 2076
R & S Melouney - 43 Billyard Avenue WAHROONGA NSW 2076
D M Reid - Director - Stewart, Reid & Company - Level 2, 2 O'Connell Street SYDNEY NSW 2000
H Laidlaw - 54 Roseville Avenue ROSEVILLE NSW 2069
M Lander - 45 Cherry Street WARRAWEE NSW 2074
Mrs J Ludowici - 11/14 McIntosh Street GORDON NSW 2072
Ms P Davis - 20 Kintore Street WAHROONGA NSW 2076
Mr K Faassen - 1 Plymouth Close WAHROONGA NSW 2076
M B Wolley and N M Bevan - 44 Braeside Street WAHROONGA NSW 2076
Ms J C Collinge - 6 Cliff Avenue WAHROONGA NSW 2076
Ms M Moreau - 16 Holt Avenue WAHROONGA NSW 2076
Ms E Moor - 34 Water Street WAHROONGA NSW 2076
Mrs McBride - 19 Chilton Parade WARRAWEE NSW 2074
Mr D J Bagley - 25 Young Street WAHROONGA NSW 2076
Mr I & Mrs J Gibson - 71 Kintore Street WAHROONGA NSW 2076
Mrs K Sutherland - 43 Burns Road WAHROONGA NSW 2076
Mr H & Mrs A Plane - 65/381 Bobbin Head Road NORTH TURRAMURRA NSW 2074

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Mr C Chapman - 33a Water Street WAHROONGA NSW 2076
Mrs H Kelman - 8 Billyard Avenue WAHROONGA NSW 2076
Brett, Jacquie, Max, Sam & Gemma Hodge - 53 Billyard Avenue WAHROONGA NSW 2076
Mr A G & Mrs L M Farquhar - 18 Raymond Avenue WARRAWEE NSW 2074
Mr B Pearson - 1 Water Street WAHROONGA NSW 2076
Dr T Bradbury - 189 Newmans Road WOOTTON NSW 2423
E C Morgan - 61 Water Street WAHROONGA NSW 2076
Mr N & Mrs M Drury - 9 Chilton Parade WARRAWEE NSW 2074
Mr J I Muirhead - 70 Leura Crescent NORTH TURRAMURRA NSW 2074
Mr M & Mrs J Sheer - 7 Halcyon Avenue WAHROONGA NSW 2076
Ms E E Muirhead - 70 Leura Crescent NORTH TURRAMURRA NSW 2074
Mrs S Ahern - "Clwydon" 38 Cleveland Street WAHROONGA NSW 2076
Mr B Hudson - "Tramore" 50 Kintore Street WAHROONGA NSW 2076
C & L Low - 22 Halcyon Avenue WAHROONGA NSW 2076
The Martin Family - 61 Hastings Road WARRAWEE NSW 2074
N Taylor - 75 Coonanbarra Road WAHROONGA NSW 2076
Mr B L Bolton - 2/16 Cowan Road ST IVES NSW 2075
Mr P & Mrs S Daly - 33 Water Street WAHROONGA NSW 2076
Mr A James - 65 Billyard Avenue WAHROONGA NSW 2076
W & J Smead - 3 Chilton Parade WARRAWEE NSW 2074
S & A Olding - 16 Mona Street WAHROONGA NSW 2076
J & C Barnes - 11 Barton Crescent WAHROONGA NSW 2076
A Broadbent - 51 Water Street WAHROONGA NSW 2076
Mr J Broadbent - 51 Water Street WAHROONGA NSW 2076
A Broadbent - 51 Water Street WAHROONGA NSW 2076
K Broadbent - 51 Water Street WAHROONGA NSW 2076
Mr W S Cloros - 21 Braeside Street WAHROONGA NSW 2076
Mrs Y E Cloros - 21 Braeside Street WAHROONGA NSW 2076
Mr S Muirhead - 29A Young Street WAHROONGA NSW 2076
B & A Schaverien - 5 Bowater Close WAHROONGA NSW 2076
Mr W Burford - 15 Randolph Street WAHROONGA NSW 2076
Mr R Bromley - 6 Bowater Close WAHROONGA NSW 2076
G R & M Leader - 17 Randolph Street WAHROONGA NSW 2076
F Burford - 15 Randolph Street WAHROONGA NSW 2076
M & J Eames - 36 Water Street WAHROONGA NSW 2076
J Leslie - 64 Burns Road WAHROONGA NSW 2076
R A Egan - 40 Billyard Avenue WAHROONGA NSW 2076
K & E Cheeseman - 2/50 Hampden Avenue WAHROONGA NSW 2076
Partridge & Davies Attention : R Partridge - 34 Cleveland Street WAHROONGA NSW 2076
Mrs A Partridge - 34 Cleveland Street WAHROONGA NSW 2076
J S & M D Craig - 17 Fitzroy Avenue PYMBLE NSW 2073
A J Seage - 104 Boundary Road WAHROONGA NSW 2076
T Ferris - 63 Billyard Avenue WAHROONGA NSW 2076
A & M McNeill - 98 Burns Road WAHROONGA NSW 2076
Talmine Pty Ltd Attention : G & P Rogers - 88 Billyard Avenue WAHROONGA NSW 2076
T Hawthorne - PO Box 1015 WAHROONGA NSW 2076

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S Leon- 27 Young Street WAHROONGA NSW 2076
S Hordern - 76 Kintore Street WAHROONGA NSW 2076
H Charlton - 1/1 Mary Street BEECROFT NSW 2119
Mr P Berkley - 12A Water Street WAHROONGA NSW 2076
M Maskery - 89 Coonanbarra Road WAHROONGA NSW 2076
R & F Fletcher - 47 Water Street WAHROONGA NSW 2076
A Berkley - 12A Water Street WAHROONGA NSW 2076
Mrs E Lehel - 5 Deakin Place KILLARA NSW 2071
S C Hooper - PO Box 1074 ROSNY PARK TAS 7018
I & M Pont - 72 Billyard Avenue WAHROONGA NSW 2076
Mr J & Mrs A Pope - 92 Braeside Street WAHROONGA NSW 2076
Mrs A Arnott - 55 Braeside Street WAHROONGA NSW 2076
Mr S Cook - 28A Water Street WAHROONGA NSW 2076
Mr C M G Clark - 26 Braeside Street WAHROONGA NSW 2076
Ms C Shaw - 21 Chilton Parade WARRAWEE NSW 2074
G & A Connor - 22 Chilton Parade WARRAWEE NSW 2074
Mrs R van der Merwe - 21 Young Street WAHROONGA NSW 2076
S Becker - 70 Burns Road WAHROONGA NSW 2076
Z Edwards - 32A Warrangi Street TURRAMURRA NSW 2074
V & J Howland - 5 Davidson Avenue WARRAWEE NSW 2074
N I A I Kwon - 16 Water Street WAHROONGA NSW 2076
T M & P M Gallagher - 68 Billyard Avenue WAHROONGA NSW 2076
C & N Harris - 5 Plymouth Close WAHROONGA NSW 2076
D Maxwell - 10A Water Street WAHROONGA NSW 2076
The McMenamin Family - 69 Billyard Avenue WAHROONGA NSW 2076
P Hartigan - 63 Braeside Street WAHROONGA NSW 2076
Mr J Szekeres - 19 Parry Avenue TERRIGAL NSW 2260
Mrs L Szekeres - 19 Parry Avenue TERRIGAL NSW 2260
E Buduls - 20 Billyard Avenue WAHROONGA NSW 2076
Mr R Becker - 70 Burns Road WAHROONGA NSW 2076
S Bowers - PO Box 47 MONTVILLE QLD 4560
L A Courtney-O'Connor - 10 Water Street WAHROONGA NSW 2076
G & W J Thomas - 1/28 Woonona Avenue WAHROONGA NSW 2076
M & K Radford - 79 Billyard Avenue WAHROONGA NSW 2076
Mr D Ludowici - 23 Water Street WAHROONGA NSW 2076
Miss J Brierley - 18/2 Ulmarra Place LINDFIELD NSW 2070
Mr S Ball - 1 Young Street WARRAWEE NSW 2074
B Ludowici - 23 Water Street WAHROONGA NSW 2076
H E Clifford - 30A Burns Road WAHROONGA NSW 2076
John Williams Neighbourhood Group Attention : Mr W Burford (Chair) - 49 Water Street
WAHROONGA NSW 2076
Ingham Planning Pty Limited Attn : N Juradowitch – Director - Suite 19, 303 Pacific Highway
LINDFIELD NSW 2070
R & T Wetmore 47 Kintore Street WAHROONGA NSW 2076
T Rhall - 12 Mona Street WAHROONGA NSW 2076

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Wahroonga Public School Council Attn : Mr R McEntyre – President - 71 Burns Road
WAHROONGA NSW 2076
Mr B O'Farrell on behalf of I & A Richter - 27 Redleaf Avenue WAHROONGA NSW 2076
Mr D J Browning - 46 Hastings Road WARRAWEE NSW 2074
Mr C M Carey - 3 Randolph Street WAHROONGA NSW 2076
Mr H & Mrs N Halvorsen - 60a Burns Road WAHROONGA NSW 2076
Mrs R Carey - 3 Randolph Street WAHROONGA NSW 2076
Mrs S M Cribb - 4 Kintore Street WAHROONGA NSW 2076
Mrs M Booth - 19 Kingsford Avenue TURRAMURRA NSW 2074
Mr D C W & Mrs M Hill - 8 Kintore Street WAHROONGA NSW 2076
Mrs R B Hammett - 67 Water Street WAHROONGA NSW 2076
Mrs P Price - 75 Eastern Road TURRAMURRA NSW 2074
Mr P & Mrs G Winder - 5 Azalea Gardens WAHROONGA NSW 2076
Mrs J Hunter - 151 Burns Road TURRAMURRA NSW 2074
Miss P H Marsh - 19/2 Ulmarra Place EAST LINDFIELD NSW 2070
Dr S Kirkham - 35 Hastings Street WARRAWEE NSW 2074
Mrs M Mackrell - 55 Billyard Avenue WAHROONGA NSW 2076
Mrs C Southwick - 10 Billyard Avenue WAHROONGA NSW 2076
E Hajduk - 2 Chifley Close WAHROONGA NSW 2076
Mr M Hordern - "Rivenhall" 59 Hastings Road WARRAWEE NSW 2074
Mr P Nixey - 2 Young Street WARRAWEE NSW 2074
R G & B J Morris - 29 Burns Road WAHROONGA NSW 2076
Mrs J Barton - 1 Forrest Avenue WAHROONGA NSW 2076
Miss A Lee - 56 Woonona Avenue WAHROONGA NSW 2076
Wahroonga After School Care Centre Inc - PO Box 489 WAHROONGA NSW 2076
Dr R Brooks - PO Box 85 WAHROONGA NSW 2076
C Johnson - 19 Hastings Road WARRAWEE NSW 2074
Mr G Johnson - 49 Hastings Road WARRAWEE NSW 2074
Mrs B Barr - 57 Curtin Avenue WAHROONGA NSW 2076
L Faassen - 1 Plymouth Close WAHROONGA NSW 2076
Mrs J Cam - 8 Mona Street WAHROONGA NSW 2076
G & P Edney - 27 & 31 Billyard Avenue WAHROONGA NSW 2076
M L Corbett - Pitlochry - 90 Braeside Street WAHROONGA NSW 2076
G & M Kemp - 2/2 Cherry Street WARRAWEE NSW 2074
Mrs V A Tuffs - 7 Brentford Road WAHROONGA NSW 2076
Dr Brendan Nelson MP Member for Bradfield - Suite 8, 12 Tryon Road LINDFIELD NSW 2070
FOKE Attention : A Carroll - PO Box 403 KILLARA NSW 2071
Mrs A H Spencer - 38A Fairfax Road BELLEVUE HILL NSW 2023
Mr A Hestelow - 41 Braeside Street WAHROONGA NSW 2076
Mr D Poyzer - 5 Warrawee Avenue WARRAWEE NSW 2074
Mr I Howden - 5/17A Woonona Avenue WAHROONGA NSW 2076
E Herz-Murray - 25 Cleveland Street WAHROONGA NSW 2076
E Hume - 8 Larbert Avenue WAHROONGA NSW 2076
Mr J Hume - 8 Larbert Avenue WAHROONGA NSW 2076
C Kirby - 24 Highlands Avenue WAHROONGA NSW 2076
J & D Cook - 32 Bangalla Street WARRAWEE NSW 2074

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M Howden - 5/17A Woonona Avenue WAHROONGA NSW 2076
N Adams - 91 Braeside Street WAHROONGA NSW 2076
Mr J S Fox - 22A Billyard Avenue WAHROONGA NSW 2076
N & H Dole - 5 Halcyon Avenue WAHROONGA NSW 2076
Mr R Glover - 18 Curtin Avenue WAHROONGA NSW 2076
P Lesslie - 3/23 Arnold Street KILLARA NSW 2071
Graham P Murray Architects Pty Ltd Attn: Mr G Murray – Director - Unit 3, 47 Neridah Street
CHATSWOOD NSW 2067
Mr G Howes - 74 Westbrook Avenue WAHROONGA NSW 2076
Dr C M Ashes - 7/58A Flinders Street DARLINGHURST NSW 2010
J Prue - 27 Neich Road MARAYLYA NSW 2765
Mrs D Brown - 170 Whitmore Road MARAYLYA NSW 2765
D H Thomas - 27 Water Street WAHROONGA NSW 2076
Mrs H Campbell - 11 Water Street WAHROONGA NSW 2076
Mrs M Walters - 24 Wahroonga Avenue WAHROONGA NSW 2076
Dr A & Mrs A Erdstein - 77 Billyard Avenue WAHROONGA NSW 2076
B Humphrey - 33 Cherry Street WARRAWEE NSW 2074
H & J Denning - 40 Hastings Road WARRAWEE NSW 2074
E Thomas - 27 Water Street WAHROONGA NSW 2076
Mr R Fusca - 24 Clissold Street WAHROONGA NSW 2076
H G & L R J Washington - 32 Chilton Parade WARRAWEE NSW 2074
A C Williams - 23A Water Street WAHROONGA NSW 2076
M A Gluskie - 23A Water Street WAHROONGA NSW 2076
Meredith Baume - mbaume@ozemail.com.au
F T & S A Gulson - fgulson@bigpond.net.au
D Williams - debbiwilliamsau@yahoo.com.au
K Webb - karinswebb@yahoo.com.au
Knox Grammar Preparatory School -Mr B Thomas - ThomasB@knox.nsw.edu.au
M O'Meara - mmo4@optusnet.com.au
Mr M McNee - M.McNee@surplussteel.com.au
M Rook - mason.rook@ninemsn.com.au
E O'Connell - bebecuttie@hotmail.com
A Audette - anneaudette@iprimus.com.au
J Burchett - jackyburchett@bigpond.com
J Joubert - emilj@bigpond.net.au
M Hulley - michelle.hulley@jera.com.au
S Dalton - sdalton@byron.com.au
A Laurie - jameslaurie@bigpond.com
M Chandler - mchandl1@bigpond.net.au
N Webber - webbers@bigpond.net.au
Mr H Smith - hssmith@uqconnect.net
K Williams - kwilliams@osborneassociates.com.au
M de Fondaumiere - mdefondaumiere@bigpond.com
Mr P Fisher - pafisher@connect.net.au
Julie & Vern Howland - vhowland@tpg.com.au
Christopher Clark – clarklaw@optusnet.com.au

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Jacky Burchett - jackyburchett@bigpond.com
Jenny Nasser – rjnasser@ozemail.com.au
Travyn Rhall - travyn@optusnet.com.au
Simon & Anne Olding - oldingsb@optusnet.com.au

The submissions raised the following issues:

Excessive bulk/scale, the development is out of scale and context (detrimental impacts to the streetscape)

The development is excessive in bulk, scale and is out of character with the immediate and surrounding area. This will have significant detrimental visual and amenity impacts.

High rise should be located along the Pacific Highway and rail corridor

The height of the development is inappropriate in relation to the site's context.

Inappropriate siting of buildings

It is agreed that the buildings located on the site have been inappropriately located for the reasons given throughout this report. The impacts of the inappropriate location are compounded by the excessive scale of the buildings. The siting of the buildings will detrimentally impact on the endangered ecological community (Blue Gum High Forest), the site's natural and built heritage and the local amenity.

Detrimental impacts to the Blue Gum High Forest/ impacts on water table

The development and excavation will have a significant detrimental impact on the Blue Gum High Forest and the site hydrology.

View impacts from 5 Plymouth Close over the lower section of the subject site

There is no impact upon views from 5 Plymouth Close.

Detrimental impacts on heritage items

The development will have a significant detrimental impact on the built and natural heritage of the subject site.

Traffic/ construction traffic associated impacts to the local schools

The development will not result in an unreasonable impact on the surrounding street network. Any impacts on surrounding schools can be addressed through conditions of consent.

Privacy/ overlooking

The development will result in a significant privacy impacts, both internally between proposed buildings and on adjoining development.

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Overshadowing

The development allows for adjoining development to receive a minimum 3 hours sunlight access on the winter solstice.

Community consultation inadequate

The application was notified in accordance with Council's Notification Policy DCP 56.

Construction noise/ impacts (dust, vibration etc)

These issues can be addressed through standard conditions of consent.

Inadequate infrastructure – sewerage, electricity, health services and the like

There is adequate provision of infrastructure services for the proposed development.

Reduction of property value

This is not a relevant matter for consideration under s.79C of the Environmental Planning and Assessment Act, 1979.

Inappropriate access to the site, should be spread across the site

The proposed vehicular access to the site has no adverse impacts upon traffic flows in the surrounding street network.

Impacts from headlights of vehicles exiting the site

There will be no impact from vehicles exiting the site.

SEPP Senior Living 2004 needs to be 'fixed up' by the government

This is not a relevant matter for consideration under s.79C of the Environmental Planning and Assessment Act, 1979.

Noise from the development (post construction)

The proposed development will intensify the use of the site which will in-turn increase noise particularly from vehicles accessing/ exiting the site, which is not of a scale expected for the low density residential area. This will consequently have a detrimental noise impact to the immediately adjoining development.

Detrimental drainage impacts

The development has no drainage impacts.

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Insufficient provision made for access by emergency vehicles

The development would provide reasonable access to the site and would comply with all relevant construction standards (Building Code of Australia) in terms of access and egress in the event of fire or the like.

Impacts from removal of asbestos

Appropriate conditions can be imposed to ensure the suitable removal of any contaminating materials located on the site. During construction, developers are bound by professional codes and practices for the safe removal of unsafe material such as asbestos.

Detrimental health impacts from exhaust fumes

The development will not result in detrimental health impacts associated with exhaust fumes.

Development is inappropriately located for seniors living development

The proposal complies with the access/ location provisions prescribed under SEPP Seniors Living 2004 Policy.

The development is for individuals with above average incomes

This is not a relevant matter for consideration under s.79C of the Environmental Planning and Assessment Act, 1979.

The land should not have been sold for development

This is not a relevant matter for consideration under s.79C of the Environmental Planning and Assessment Act, 1979.

Motor scooters cannot be driven safely to the Wahroonga Village/ the development is inappropriately located for seniors

The development meets access requirements to shopping areas prescribed under the SEPP Seniors Living 2004 Policy. The development also meets all access requirements including maximum gradients for path of travel.

Providing residential accommodation for seniors is just a development loophole to exploit the existing non-residential zoning.

SEPP Senior Living 2004 development is permissible within the current 5A Special Use (Hospital) zone.

Council should rezone the site to single residential 2(a) use.

This is not a relevant matter for consideration under s.79C of the Environmental Planning and Assessment Act, 1979.

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CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's Urban Design Consultant, Mr Russell Olssen, made the following comments:

1.0 Design Review

"Principle 1: Context

SEPP 65: Good design responds and contributes to its context.....Responding to context involves identifying the desirable elements of a location's current character, or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.

Comment:

Surrounding context

The development is located north of the Pacific Highway and approximately 1km from Wahroonga Shopping Village and Railway Station. The character of the surrounding area is of a well established leafy residential area, the lots are larger than the average found in Sydney and the gardens are landscaped and well maintained. The exception to the surrounding residential dwellings is "The Bush School" which is opposite the site in Water Street.

This is an island site, as it is surrounded by 2(c) zone land and the school. The context consists of primarily large detached residential dwellings one to two storeys in height. The 2(c) zone and the school are unlikely to be re-zoned in the future.

Any proposal for the subject site must take the scale of the existing surrounding buildings and the fact that the surrounding sites are unlikely to re-develop.

Site context

The site consists of 2 parcels of land known as 35 Water Street, zoned Special Uses 5(a) Hospital and 64 Billyard Avenue, zoned Residential 2(c). The consolidated allotment has frontage to Water, Young and Billyard Streets of approximately 125, 135 and 24 metres and the site area is approximately 22 900m².

The built form context on the site is comprised of "Rippon Grange", which has heritage significance and is classified by the National Trust of Australia and is listed as an 'Indicative Place' by the Australian Heritage Commissions Register of the National Estate. There are also various associated buildings some of which are proposed to be retained.

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The site had been used as a hospital and respite care centre from 1950 to 2002 hence its zoning as Special Uses 5(a).

There are no planning provisions regarding density in existing planning controls for the site. This design assessment is based on appropriate urban design, built form and environmental design principles.

It is important to retain the visual setting of the "Rippon Grange" heritage building. The Architect's Design Statement states "Rippon Grange will be retained and restored to be a focal point of the development, both visually and functionally...". The view from the Water Street entrance gates diagonally across the carriage loop towards the southern end of "Rippon Grange" is critical to maintaining the visual setting of the heritage building and a view towards the tree canopy further towards the south.

Building B (B1 and B2) is 5 storeys tall and within 12m of "Rippon Grange", and will visually dominate the heritage item. The proposed development is intrusive within its context and should be modified to reduce its visual impact. See Principle 3 Built Form for further detail.

Principle 2: Scale

SEPP 65: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

SEPPSL Clause 38 (4)(a), (b) and (c) stipulates that the maximum height in such developments should not exceed 8m and that a building located in the rear 25% area of the site must not exceed one storey in height. This clause is only applicable to the development located on 64 Billyard Street, zoned 2(c), which does comply.

The existing built form context surrounding the site is 2 storeys maximum.

The existing built form context on the site is the 2 storey high "Rippon Grange" building.

Principle 3: Built form

SEPP 65: Good design achieves an appropriate built form for a site a the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...

Comment:

The context surrounding the site has maximum 2 storey height buildings. The proposed

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heights of buildings C and D are excessive in relation to the existing context and should be reduced.

On entering the site from Water Street there is an important diagonal visual link past the southern corner of "Rippon Grange" to the trees at the rear of the site. The proposed development is overbearing and blocks this important link.

Although the development emphasises and retains the important west-east axis past the tennis courts and croquet lawn, the north-south axis is also important, linking "Rippon Grange" to the heritage stables.

The buildings in the development are described as "pavilion like", but there is really nothing "pavilion like" in the proposed buildings, particularly Building B (B1 and B2 joined) which is 72m long and bulky when seen in the context of "Rippon Grange". For the buildings to be "pavilion like" they should have smaller footprints and in the case of the buildings near the house they should also be reduced in height, to relate to the height of the heritage building.

Principle 4: Density

SEPP 65: Good design has a density appropriate to its site and its context in terms of floor space yields (or numbers of units or residents).....

Comment:

The site coverage is approximately 22%, which is an acceptable coverage.

There are 7 x 2 bedroom, 61 x 3 bedroom and 10 x 3 bedroom "penthouse" apartments.

Acceptable built form outcomes will establish the development density.

Principle 5: Resource, energy and water efficiency

SEPP 65: Sustainability is integral to the design process. Aspects include..... layouts and built form, passive solar design principles,..... soil zones for vegetation and re-use of water.

Comment:

More than 70% (minimum recommended in the Residential Flat Design Code) of living rooms/balconies in the apartments will receive greater than 2 hours sunlight between 9am and 3pm in mid-winter. There are no, south facing apartments.

Approximately 30% of all the kitchens are located on external walls, which is above that recommended in the Residential Flat Design Code of 25%.

More than 60% (minimum recommended in the Residential Flat Design Code) of apartments are naturally ventilated.

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The proposed buildings are acceptable in terms of the RFDC guidelines.

Principle 6: Landscape

SEPP 65: Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Comment:

The landscape design is acceptable. Any rare species communities should be further investigated.

Principle 7: Amenity

SEPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment:

There are visual privacy issues in the following apartments-

Buildings C and D:

- *Apartment C104 study alcove window is 6m from the living area window of apartment D101.*
 - *Apartment C204 study alcove window is 6 m from the living area window of apartment D201.*
 - *Level 5 lobby window is 11m from the living area window of apartment D401.*
- Buildings E1 and E2:*

- *Apartments E102 and E103 have only a distance of 7.5 - 9m between them, both apartments have windows overlooking bedrooms and living rooms.*
- *Problems of overlooking from Buildings E1 and E2 into 62 Billyard Avenue especially the back yard.*

Principle 8: Safety and security

SEPP 65: Good design optimises safety and security, both internal to the development and for

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the public domain. This is achieved by maximising activity on the streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment:

There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

Comment:

The mix of apartments is acceptable.

Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment:

The proposed building heights are excessive, as noted in Principle 3 Built Form. Reducing the building heights will alter the building proportions. More horizontal building proportions would be preferred.

2.0 Conclusion and recommendations

The proposed buildings are excessively tall in relation to the built form surrounding the site and in relation to the “Rippon Grange” heritage item. The buildings adjacent to the heritage item are excessively long to be able to be interpreted as “pavilions” and should be reduced in length. Based on this SEPP 65 assessment, it is recommended that the development application be refused.”

Heritage

Council’s Heritage Adviser, Mr Paul Dignam, made the following comments:

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“Summary of heritage issues and recommendations

Due to the complexities of this site, a summary of the main heritage issues is made. A more detailed report is attached at the end of the Council report.

Positive aspects of the proposed Seniors Living development

- *Retention of the whole of the site as one place is appropriate and preferred over subdivision that would alienate the property and erode the significant relationship between the built elements and the landscape.*
- *Management of the place as one property including the garden would retain components of its cultural significance.*
- *Removal of intrusive elements and restoration of the terrace lawn, tennis court, swimming pool, croquet lawn, rustic shelter and fish pond is achieved.*
- *The scale of the development should generate sufficient funds to conserve the significant built elements and garden and provide ongoing maintenance and repair.*
- *The contemporary design for the new buildings, the colours and variety of material is considered complimentary.*

Negative aspects of the proposed Seniors Living development

- *The scale of the proposed buildings, particularly B1 & B2, does not relate to the scale of the surrounding area and buildings on the site and exceeds the height, scale and bulk controls suggested in the CMP. Additionally, Building B1 & B2 are set closer to Rippon Grange than the minimum setback suggested in the CMP.*
- *The proposed overall 5-storey scale of new building,s with heights of up to 7 stories is visually dominant on the site and diminishes the strength of the main building. Building B1 & B2 proposes a visually solid ‘band’ of buildings, roughly east-west across the site eliminating significant views from the entry loop area across the garden to the southern boundary which is visually defined by mature stands of trees.*
- *Building F on the corner of Water Street and Young Street disturbs the intactness of the eastern terraces and reduces the presentation of the place to the streetscape.*
- *The siting of the new development along an east-west axis disturbs the relationship of the main building to its garden and outbuildings, including paths the stables, potting sheds and other elements. The siting of new buildings should respond to and have a harmonious relationship with the existing landscape, paths and view corridors and significant built elements on the site.*
- *Removal of the brick classroom/playroom building to the east of the main house.*

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- *The porte' cochere is a new element that disturbs the relationship of the main house to its garden and need more careful consideration to minimise adverse impacts.*
- *Proposed uses for the stables building as a "hobby workshop" or "mans shed" is appropriate. However, the physical and visual relationship between the main house and stables are lost with isolation of the stables building in a different and reduced setting.*
- *The proposed development conflicts with the significance of the National Trust UCA No 27 existing nearby heritage items and significant streetscapes.*
- *Removal of some significant fabric in Rippon Grange is considered unnecessary and intrusive.*

Conclusions and recommendations

Despite some merits and strengths in the proposed application, in its current form the application cannot be supported due to its adverse impacts on the cultural significance of the place.

I recommend that the application should not be approved and suggest the following issues need addressing in any or future application:

- *The height of Building B1 & B2 must be reduced to no higher than the ridge of Rippon Grange but preferably lower to retain the visual qualities of the place and the relationship between the built elements and the garden*
- *New buildings located near Rippon Grange, particularly Buildings B1 & B2 must be set back to achieve adequate separation*
- *Building F should be deleted to retain the significant of the eastern terrace area, tennis court and croquet lawn and the relationship of those elements to Rippon Grange.*
- *The physical and visual links between Rippon Grange and its garden must be retained and the existing north-south relationships must be acknowledged as well as the east-west relationships that are proposed to be conserved*
- *New linking structures between significant buildings and new buildings must be visually transparent and low impact in terms of effects on the significant buildings, their setting and other built elements on the site*
- *Uses for the main buildings should include some residential accommodation.*

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- *The brick classroom/playroom building to the east of the main house close to the Water Street should be retained and adapted however intrusive covered walkways may be removed*
- *The impact of the proposed development should be balanced and must consider its relationship within the National Trust UCA, significant streetscapes and other heritage items.”*

Landscaping

Council’s Landscape Assessment Officer, Mr Stephen Fenn, has made the following comments:

“This application is not supported for the following reasons:

Building A is located 4.5 metres from heritage item 28 – Araucaria bidwillii (Bunya Pine) that should have a minimum building setback of 10 metres.

The eastern third of Building C, the northern two thirds of Building D and the driveway for Building F will remove 800 square metres of the 2600 square metres of the Blue Gum High Forest Endangered Ecological Community (BGHFEEC). The driveway for Building F will isolate the northern most portion of the identified remnant BGHFEEC located along the site’s Young Street boundary and thereby have a significant impact upon the EEC.

The water feature, proposed between the southern side of the existing heritage stables and the western side of proposed Building D, is likely to require the removal of or have a negative impact upon several existing trees.

Several drainage lines of 225 – 450 mm diameter will conflict with heritage retaining walls, remnant Blue Gum High Forest Endangered Ecological Community and tree root zones, including heritage trees, proposed to be retained.

Heritage items

The following heritage items relate mainly to vegetative landscape elements within the site:

High significance

Item 1 – Carriage loop including an oval garden containing 6 Arecastrum romanzoffianum (Queen Palm) of non-heritage value. Approval to remove the 6 Arecastrum romanzoffianum (Queen Palm) and other dead and exempt trees under Council’s Customer Request System (CRS) No197477 was finalised on 25.8.06. The proposal to restore the oval garden in context with its heritage status with lawn and period standard roses, and proposed in-fill shrub and ground cover plantings along both the Water Street and western boundary gardens are appropriate and supported.

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Item 2 – Oval gardens and conservatory include the remains of a glasshouse south of the carriage loop. The healthier trees and shrubs within the northern half of this garden are to be retained. Trees and shrubs in fair to poor condition and the remains of the glasshouse enveloped by Ficus pumila (Creeping Fig) and having little value, are located within the site of proposed Building A. Their removal for the construction of Building 2A is supported.

Item 5 – Trees 45A and 66 - Lophostemon confertus (Brushbox), of 25 metres height, 16 and 10 metres canopy spread and healthy condition, are given high significance in the Heritage Impact Statement. In regard to their significant heritage status, no works are to occur within the assessed 13 and 8 metres radius Primary Root Zone (PRZ) from their trunks to avoid any compromise to their longevity. Changes required are the relocation of the store/plant room within the basement carpark of Building B2, the avoidance of any changes to existing soil levels and relocation of the stormwater pit and line.

Item 6 – Formal lawn terrace across the eastern side of the heritage building is proposed to be reinstated. It could be used as spillover communal space for the proposed ground floor restaurant in Rippon Grange although the turf species will need to be wear and shade tolerant.

Item 9 – Trees 155 and 156 - Livistona australis (Cabbage Tree Palm) of 23 and 17 metres height, respectively, identified in the applicant's Tree Report as Washingtonia robusta (Washington Palm) and Washingtonia filifera (Fan Palm), are given high significance in the Heritage Impact Statement and are to be retained close to the eastern end of the swimming pool that is also to be retained. Neither palm has the robust stem or holds a skirt of dead fronds below its crown typical of the Washingtonia Palms. Both palms are to be retained within their existing settings and are given appropriate setbacks from proposed structures. Proposed restoration to the adjoining heritage brick steps should not have a negative impact upon these palms.

Item 11 – Lawn tennis court is proposed to be restored as an active recreation area, although to broaden its function and visual integration into the landscape a perimeter fence of retractable black netting could be installed. Removal of T157 – Araucaria heterophylla (Norfolk Island Pine) of 15 metres height and healthy condition and T158 – Liquidambar styraciflua (Liquidambar) of 21 metres height and fair condition for restoration of the tennis court is supported.

Items 20 & 21 – Croquet lawn and its associated sandstone retaining wall are proposed to be restored as a recreation facility for the development. Removal of a developing T335A - Ficus rubiginosa (Port Jackson Fig) is necessary to prevent disintegration of portion of the retaining wall. Roots of the tree are growing between and slowly dislodging large stone at the wall's south-eastern corner. This tree is noted to be retained in the Tree Report. Restoration work appears to be required on the grotto structure on top of the wall at the same location.

Item 28 – T78 – Araucaria bidwillii (Bunya Pine), of 26 metres height, 10 metres canopy spread and healthy condition, is given high significance in the Heritage Impact Statement.

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This tree is to be retained only 4.5 metres from the south-eastern corner of proposed Building A (to centre of its 1.4 metres diameter trunk) located near the site's south-western corner. Placement of the building at such close proximity to this tree and within its Critical Root Zone fails to respect its heritage significance and is well within the dropping range of its large cones that are borne biennially.

Moderate significance

Item 6a – T161 – Arbutus unedo (Irish Strawberry Tree), of 10 metres, 12 metres canopy spread and healthy condition is given moderate significance in the Heritage Impact Statement due to its horticultural interest. This tree is recommended for retention which is supported. Its northern trunk contains a cavity close to ground on its western side. This trunk should be propped for support rather than being retained unsupported or removed that would spoil its appearance.

Item 8 – Middle lawn terrace, between Items 6 (formal lawn terrace) and 11 (lawn tennis court), and embankments, is proposed to be restored to match the original garden and is supported.

Item 19 – Interwar rockery and retaining wall along the upper western side of the croquet lawn, is proposed to be restored. Proposed species and their arrangement are suitable although the proposed turf species is not shown.

Item 24 – Blue Gum High Forest Endangered Ecological Community is proposed to be regenerated by the removal of noxious plant and environmental weed species and planting of Eucalyptus saligna (Sydney Blue Gum) and Syncarpia glomulifera (Turpentine). As Turpentine occurs sparsely at the site, most of the proposed trees of this species are to be replaced with understorey species of Angophora floribunda (Rough barked Apple) and Allocasuarina torulosa (Forest Oak). Shrub species that occur at the site, within Council's nearby Turiban and Clive Evatt Reserves and Wahroonga Public School should be included to replicate the local character of the Blue Gum High Forest community.

Item 25 – Gardens that form a transition zone between the formal gardens and the 'bush garden' in the southern section of the site. These gardens have fallen into disrepair and are located within the site of proposed Building B2. Proposed replacement of this item by Building B2 is supported.

Little significance

Item 18 – Tree fern group, located at the centre of the northern end of the croquet lawn and at its northern access point, is in fair condition and is being enveloped by exotic climbers. These tree ferns could be integrated with a water feature at a more suitable location such as around the fish pond or any shaded location.

Item 23 – Former plunge pool. The Landscape Design Statement states the location of the plunge pool and existing driveway will be retained as evidence of the former patterns and use

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of the site. The statement does not indicate how the former plunge pool site is to be identified as the landscape plan gives no indication of its former existence. The plunge pool's location could be commemorated by an etched graphic display of the pool from historical photos at the bend in the driveway.

Blue Gum High Forest Endangered Ecological Community

The applicant's Flora and Fauna Report prepared by Urban Bushland Management Consultants Pty Ltd has identified the strip of varying width from 10 to 30 metres along the Young Street frontage of the site and a small area to the east of the stable as Blue Gum High Forest Endangered Ecological Community (BGHFEEC). The identified BGHFEEC at the site is approximately 2600 square metres area. As it is less than 1 hectare, the application does not require referral to the Federal Minister for Environment and Heritage.

The area of remnant BGHFEEC within the site is proposed to be regenerated by removal of weeds and planting of trees, except for the 800 square metres area proposed to be occupied by Buildings C and D, the driveway for Building F and trenching within the BGHFEEC for installation of a 450 mm drainage line. It is assessed that removal of 800 square metres represents a significant portion of the total area of remnant BGHFEEC on the site.

It is claimed that Blue Gum High Forest within the site will be increased to 200% of its existing area by the revegetation beneath Blue Gum trees across the southern portion of the site, however, it will only be a symbolic gesture as the proposed species list is very limited. The number of proposed species should be increased substantially to diversify the community, and 1 proposed species: Clerodendron tomentosum (Hairy Clerodendron); that does not occur at the site or locality should be deleted.

Blue Gum High Forest species for regenerating Area 1 and revegetating Area 2 should be derived from the site and only those species from Council's nearby Turiban and Clive Evatt Reserves and Wahroonga Public School most likely to occur at the site should be included to replicate the Blue Gum High Forest character of the site. There is some variance between the species range of the BGHFEEC community at the site and the other aforementioned sites.

Removal/negative impact on trees/vegetation.

The site supports a variety of locally occurring and non-local native, evergreen and deciduous exotic tree, shrub and palm tree fern species.

All 'trees': trees/shrubs/palms/tree ferns in this report are identified in accordance with the 342 'trees' included in the Arborist Impact Assessment Report prepared by Tree Wise Men Australia Pty Ltd and dated July 2006. All trees are of size protected by Council's Tree Preservation Order. Of the 342 trees, 204 are proposed to be retained in situ and a further 19 shrubs, palms and tree ferns are proposed to be transplanted. Of the 204 trees to be retained 160 are located clear of proposed structures while 44 require some construction or service installations within their Primary Root Zones (PRZ) or Critical Root Zones (CRZ).

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One hundred and forty trees require removal (119) or transplanted (21) for development construction. Of the 119 trees to be removed: 97 trees are located within and adjacent to building footprints, 1 tree is located over proposed drainage lines, 2 trees require removal from the tennis court site, 17 trees are exempt due to their weed status, dead, dying or dangerous, and 16 trees are inconsistent with the heritage values (6) and the Blue Gum High Forest (10) of the site. As 4 trees fit into 2 categories a small numerical error is created.

The following 119 trees located within or adjacent to building footprints, roads and drainage lines are:

Building A

Trees: Nos 50, 68 & 77 – Jacaranda mimosifolia (Jacaranda), 51 & 52 – Camellia sasanqua (Chinese Camellia) and 76 – Pinus radiata (Monterey Pine).

The Monterey Pine, is 20 metres high, and is the most visually prominent of the 6 trees although it has areas of die-back at the extremities of its canopy. This tree is assessed to be in fair rather than good condition as described in the Tree Report. Removal of the above 6 trees is supported for construction of Building A.

Proposed Building A that is sited 4.5 metres from the centre of and 3.7 metres from the western side of the 1.4 metres diameter trunk of Heritage Item 28: Tree 78 – Araucaria bidwillii (Bunya Pine) - of significant status. In addition a 225 mm drain line is proposed only 2.5 metres from the western side of the tree's trunk.

Building A is not supported for the following reasons:

The western side of this tree's canopy will partially overhang the building and is likely to increase in spread as young laterals develop. This species forms a broad conical (egg) shape in unrestricted space although this tree has been suppressed by the Monterey Pine. This Bunya Pine is likely to attain a canopy spread of 20 metres given its current height.

Its propensity to shed large cones biennially that would cause damage to both the building and occupants unless harvested. This tree should be set back a minimum distance of 14 metres radius (tree's PRZ) from a building to protect its heritage status and ensure that reliance upon regular harvesting of its cones does not become a critical issue.

Buildings B1 and B2

Trees: Nos 45 – small Liquidambar styraciflua (Liquidambar) invaded by Wisteria sp. (Wisteria Vine), 46 – Tilia x europea (European Linden), 47 – Pittosporum undulatum (Sweet Pittosporum), 48, 49, 406, 407, 408, 409, 410 & 500 – Rhododendron sp. (Broad leaf Rhododendron), 65, 204, 205, 368, 369, & 370 – Cyathea australis (Rough Treefern), 206 – Prunus serrulata (Japanese Flowering Cherry), 354 – Pittosporum undulatum (Sweet Pittosporum), 355, 364, 365, 366 & 404 - Stre litzia nicolai (Giant Strelitzia) , 356 & 362 – Acacia baileyana (Cootamundra Wattle), 357 & 358 – Abutilon x hybridum (Chinese

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Lantern), 363 – *Magnolia grandiflora* (Bull-bay Magnolia), 367, 401 & 402 – *Lagerstroemia indica* (Crepe Myrtle), 377 – *Phoenix canariensis* (Canary Island Palm), 378, 403, & 405 – *Camellia sasanqua* (Chinese Camellia).

All these trees are of low landscape significance. However, T65 and T370 should be transplanted together with Nos 204, 205, 364, 365, 368, 369, 404, 406, 407, 408, 409, 410 and 500 that are proposed to be transplanted rather than being removed as they are of size suitable for transplanting.

Significant heritage Item 5 - Trees 45A and 66 - *Lophostemon confertus* (Brushbox) are located 8 metres from the southern side of Building B2. No works are to occur within the assessed 13 and 8 metres Primary Root Zone (PRZ) radius from their trunks to avoid any compromise to their longevity and to protect their significant heritage status. Changes required are the relocation of the store/plant room within the basement carpark of Building B2, and the avoidance of any changes to existing soil levels including the stormwater line and pit.

Building C

Trees: Nos 108, 109, 323, 329 & 374 – *Eucalyptus saligna* (Sydney Blue Gum), 130, 382 & 384 – *Pittosporum undulatum* (Sweet Pittosporum), 132 – *Liquidambar styraciflua* (Liquidambar), 133 – *Brachychiton acerifolius* (Flame Tree), 203 – *Elaeocarpus reticulatus* (Blueberry Ash), 321 – *Polyscias sambucifolia* (Elderberry Panax), 322 – *Pittosporum undulatum* (Sweet Pittosporum), 379 - *Rhododendron* sp. (Broad leaf Rhododendron), 383 – *Ginkgo biloba* (Maiden-hair Tree).

Trees: Nos 108, 109, 323 & 329 – *Eucalyptus saligna* (Sydney Blue Gum) are visually prominent although No 323 is in poor condition due to a large trunk cavity and bracket fungal infection and No 329 is in fair condition due to past storm damage. Construction of the eastern third of Building C and installation of a 450 mm drainage line will result in the removal of at least 300 square metres of Blue Gum High Forest and disrupt the natural drainage regime of the downslope portion of identified Blue Gum High Forest. The building should be cut back as there is inadequate space to move it to the west to avoid intrusion within the located along the site's Young Street frontage.

Building D

Trees: Nos 136 – *Brachychiton acerifolius* (Flame Tree), 137, 147, 315, 316 & 319 – *Eucalyptus saligna* (Sydney Blue Gum), 140 – *Pittosporum undulatum* (Sweet Pittosporum), 141, 143 145 & 146 – *Juniperus* sp. (Juniper), 142 – *Waterhousia floribunda* (Weeping Lillypilly), 144 – *Callitris rhomboidea* (Port Jackson Pine), 148 – *Araucaria cunninghamii* (Hoop Pine), 201 – unknown species, 317 – *Casuarina glauca* (Swamp Oak), 318 – *Cupressus* species (Cypress) and 320 – *Arbutus unedo* (Irish Strawberry Tree) and 397 - *Polyscias elegans* (Celerywood).

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Construction of this proposed building and installation of a 450 mm drainage line will require the removal of at least 450 square metres of identified remnant Blue Gum High Forest and disrupt the natural drainage regime of the Blue Gum High Forest located downslope along the site's Young Street frontage. Proposed Building D is not supported. Building D should be moved to the west of its proposed location to avoid intrusion within the identified remnant Blue Gum High Forest.

Buildings E1 and E2

Trees: Nos 150 – Acacia decurrens (Green Wattle), 376 & 391 – Cupressus sempervirens (Italian Cypress), 392 – Cinnamomum camphora (Camphor laurel), 393 & 421 - Strelitzia nicolai (Giant Strelitzia) and 420, 422 & 423 – Pittosporum undulatum (Sweet Pittosporum).

Buildings E1 and E2 are supported as all the trees to be removed for their construction are of low landscape value and both buildings are of low visual impact, replacing an existing 2 and 3 storey dwelling. T393 is proposed to be transplanted.

Building F

Trees: Nos 169 – Ulmus parvifolia (Chinese Elm), 187 & 303 – Eucalyptus saligna (Sydney Blue Gum), 188, 189, 190 & 302 - Rhododendron sp. (Broad leaf Rhododendron), 192 – Cupressus sempervirens (Italian Cypress), 191, 304 – Pittosporum undulatum (Sweet Pittosporum), 197 – Jacaranda mimosifolia (Jacaranda) and 400 - Camellia sasanqua (Chinese Camellia) require removal for construction of this building and the single access driveway from Young Street.

Tree 303 is the largest of this group at 16 metres in height and in a healthy condition. The tree is located at the western end of the proposed building site outside the identified Blue Gum High Forest.

According to the Site and Roof Plan Building F is 9 metre and 8.25 metres from the Young and Water Street boundaries, respectively. However, according to the Water Street Elevation, Building F is 7.6 metres from the Young Street boundary and 5.6 metres from the Water Street boundary.

Building F is not supported as it will be visually intrusive to both the Young Street and Water Street streetscapes as it will protrude well forward of existing single dwellings along the southern side of Water Street, east of Young Street. Despite being indicated as a 3 level building, its upper basement (garage) level includes 1 unit facing Young Street, and both basement levels are above ground. Building F will read as a 5 storey building from Young Street and a 3 - 5 storey building from Water Street.

Driveway

Removal of 4 Trees: Nos 15 - Strelitzia nicolai (Giant Strelitzia), 16 – Pittosporum undulatum (Sweet Pittosporum), 42 & 43 – Jacaranda mimosifolia (Jacaranda) for

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construction of the driveway at the western end of Building B1 is supported as all the trees are of low landscape significance.

While the removal of T175 – Eucalyptus saligna (Sydney Blue Gum) and T177 – Angophora floribunda (Rough barked Apple) is supported as T175 is in very poor condition and T177 has died since completion of the Tree Report, excavation for the driveway to the lower basement garage level and eastern 0.5 metre of Building F will result in the removal of at least 50 square metres, isolate the small northern portion and disrupt the natural drainage regime of the Blue Gum High Forest Endangered Ecological Community located downslope along the site's Young Street frontage. Excavation most probably will also have a negative impact upon Trees 173, 174 & 180 – Eucalyptus saligna (Sydney Blue Gum) by root severance. Although proposed driveway excavation would be outside the Critical Root Zones (CRZ) of these trees, the likely impact upon the stability of No 173 would be significant as deep excavation would be within the southern and western sides of its Primary Root Zone (PRZ).

Drainage lines

Removal of T414 – Ulmus parvifolia (Chinese Elm), of 10 metres in height and in fair condition, located adjacent to the southern end of the tennis court is supported due to its collapsed structure.

Only one drainage line should pass through the proposed Blue Gum High Forest revegetation area to the south of the heritage stables to minimise disturbance to the area.

No drainage line is to be located within the 14 metres radius Primary Root Zone (PRZ) of heritage Tree 78 - Araucaria bidwillii (Bunya Pine), and within the 13 and 8 metres radii PRZ respectively of heritage Trees 45A and 66 – Lophostemon confertus (Brushbox).

The drainage line across the croquet court is to pass through the gap in the retaining walls at the existing pedestrian access points to avoid damage to the heritage northern and southern retaining walls. The proposed 375 mm drainage line through the heritage item 19 - interwar rockery and retaining wall should be redirected to avoid damage to the structure.

In addition to Buildings C and D within the remnant BGHF adjacent to the Young Street frontage, installation of a proposed 450 mm drainage line to the east of these buildings would require mechanical excavation that would further disturb the endangered ecological community at the location.

Excavation for installation of the 375 mm drainage through the root zones of T415 – Lophostemon confertus (Brushbox) and T416 - Angophora floribunda (Rough barked Apple) within 64 Billyard Avenue should be carried out by hand to minimise damage to both trees' root systems.

Tennis court

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Removal of T157 – Araucaria heterophylla (Norfolk Island Pine), of 15 metres in height and in healthy condition, and T158 – Liquidambar styraciflua (Liquidambar), of 21 metres in height and fair condition, from the centre and northern end of the court platform is supported as they are inconsistent with the heritage context of the garden.

The following 17 ‘trees’ are ‘exempt’:

Trees 34 – Alnus jorullensis (Evergreen Alder), 44 & 417 – Brachychiton acerifolius (Flame Tree), 54 & 392 – Cinnamomum camphora (Camphor laurel), 131 - due to dieback, 159 & 160 – dead, 164 – Ligustrum lucidum ‘Variegatum’ (Variegated Large-leaved Privet), 165 & 427 – Raphiolepis indica (Indian Hawthorn), 176 – dead, 188 – dead, 328 – Erythrina x sykesii (Coral Tree) which is also located within the footprint of proposed Building C, 348 & 381 – Cotoneaster sp. (Cotoneaster) and 385 – Olea europaea subsp. africana (African Olive).

Trees 165 & 427 - Raphiolepis indica (Indian Hawthorn) are recommended in the applicant’s Tree Report to be retained, however, this species is an environmental weed, particularly on shale based soils on which Blue Gum High Forest inhabits and therefore should be removed.

The following 16 trees are inconsistent with the heritage values (6) and the Blue Gum High Forest (10) of the site:

Trees 1, 2, 3, 4 & 5 – Arecastrum romanzoffianum (Queen Palm) - (heritage values) removal for which was issued under CRS 197477 on 25.8.06.

Trees 124 & 192 – 2 Cupressus sempervirens (Italian Cypress), 151, 152, 153 & 154 – Jacaranda mimosifolia (Jacaranda), 186 – Strelitzia nicolai (Giant Strelitzia), 301 – Cryptomeria japonica (Japanese Cedar), 340 – Livistona australis (Cabbage Tree Palm) and 396 – Pinus sp. (Pine Tree) - inconsistent with the Blue Gum High Forest character.

No 340 could be transplanted.

Stormwater plan

The stormwater plan is not supported as several proposed drainage lines of 225 – 450 mm diameter will conflict with heritage retaining walls, remnant Blue Gum High Forest and tree root zones, including heritage trees proposed to be retained. Drainage pits and swales also conflict with garden plantings. The stormwater plan needs to be rethought to avoid damage to heritage items and relate to the proposed landscape arrangement.

Drainage lines should be located wherever possible beyond trees primary root zones, or where this action is not possible they are to be thrust bored through tree root zones to minimise tree damage. However, unless proposed drainage lines are of small diameter excavation by thrust boring or hand is generally viewed as impractical. Ground penetration

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radar would reveal the existence of trees roots where it is critical for a drainage line to be located.

Landscape plan

Proposed arrangement and species selection for the ornamental gardens is appropriate. However, proposed species selection for bushland regeneration within the remnant Blue Gum High Forest (BGHF) zone and the BGHF revegetation area is very limited and in conflict with existing species and their frequencies of occurrence within the site. All proposed BGHF species should be amended to those BGHF species that naturally occur at the site. No bush regeneration program has been prepared for the remnant Blue Gum High Forest and a matrix should be prepared for species arrangement within the BGHF revegetation area across the southern side of the site.

Proposed landscape treatment for the building setback zone at No 64 Billyard Avenue as BGHF is considered inappropriate as the area is isolated, small and currently vegetated with a collection of native and exotic species. This area should be treated in context with the existing site vegetation in keeping with the Billyard Avenue residential landscape style.

Montage elevations indicating solid vegetation screening to both the Young and Water Street frontages are unrealistic as proposed buildings will be considerably more visible through the existing and proposed perimeter screen plantings.

The lineal water feature 'to be inserted into the landscape' as described in the Landscape Design Statement, will relate to the strong east/west axis of Buildings B1, B2 and C and therefore is not supported. The water feature should relate to the flowing lines of the garden's character and to the human scale by winding down the slope similarly to the paths. In this regard, it should skirt wide of existing trees and would be viewed in smaller sections adding a sense of surprise.

Some buffer planting species: Angophora costata (Sydney Red Gum), Backhousia myrtifolia (Grey Myrtle) and Callicoma serratifolia (Black Wattle); shown for use along the site's southern and western perimeters that adjoin several properties are not be in keeping with BGHF species. As this buffer planting has been carried out as pre-development work those above mentioned species are to be replaced with species from local BGH F communities such as Glochidion ferdinandi (Cheese tree) and Notolaea longifolia (Large Mock Orange) that having characteristics that would be suitable for the transition planting zone between the BGHF regeneration zone located immediately upslope and the mostly exotic plantings within adjoining properties. This issue is being dealt with as a compliance matter.

Proposed planting of 5 Eucalyptus saligna (Sydney Blue Gum) to the north and within 5 metres of Building F will, in time, cast considerable shade upon it and create a liability and nuisance to it and its occupants by way of branch and debris drop."

Engineering

Council's Development Engineer, Kathy Hawkin has made the following comments:

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“The application is acceptable in engineering terms, subject to conditions:

Water management

The site falls towards the south-eastern corner, where a kerb inlet pit and street drainage pipe are available for the direct connection of the property drainage.

The BASIX commitments are for a 250m³ stormwater tank, with re-use for irrigation and toilet flushing for Buildings C, D and F (except Unit FB101). According to the BASIX Multi-unit Guidelines, untreated stormwater should not be re-used for toilet flushing. The applicant has advised that treatment is proposed, including UV sterilization. This will be acceptable. It will need to be incorporated into the Construction Certificate drawings.

A combined retention/ detention tank is shown on the drainage plan, beneath Building E, with the outlet to the kerb inlet pit in Billyard Avenue. The stormwater management plan and report also include quality control measures as required by Chapter 8 of DCP 47.

The proposed water management measures are satisfactory and generally comply with DCP 47.

Council infrastructure

Pedestrian access is available from the site to three bus stops, each within 400 metres of the site, at grades which comply with Section 25 of the SEPP (Seniors Living). The access report requires the construction of kerb ramps at the intersections of Billyard Avenue and Young Street, and of Halcyon and Billyard Avenue.

Road widening and construction of kerb and gutter and upgrading of the footpath for the Young Street frontage of the site would have been desirable were it not for the Blue Gum High Forest along this frontage. Young Street is not kerbed and guttered between Water Street and Billyard Avenue, however, the construction of kerb and gutter for the frontage of 64 Billyard Avenue (the only section not subject to BGHF) has not been required as it would be in isolation, out of character with the rest of the block and would not provide convenient parking for school traffic.

Parking

Vehicular access is proposed via the existing Water Street driveway for visitors and via three separate crossings in Young Street for residents and waste collection. Buildings F and E have separate basement parking to the main car park. The curved entry to Building F (around a tree canopy) is tight but not impossible to negotiate using the 1:200 template for the B99 vehicle. There appears to be a need for mirrors at some of the bends particularly in the one way sections of the basement car parks. These can be provided and certified by the traffic engineer upon completion of the development.

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For the proposed 227 bedrooms, 114 car spaces are required. The proposal is for 151 resident and 34 visitor spaces.

The SEPP does not give visitor parking requirements for more than 8 units, however, using the figure of one space per four units, which is as required by LEP 194, 20 visitor spaces are required, so the 34 provided will be ample.

Under the SEPP, spaces for employees do not have to be 3.2m by 6m, so the four spaces under Building B2 which are only 2.5m by 5.4m are acceptable.

Waste collection is proposed to be internal for most of the dwellings and from the central Young Street access. There does not seem to be a space provided for turning of the small waste collection vehicle inside the basement car park. Given the oversupply of parking, it is considered that one or two spaces could be allocated as a turning bay. This could be included in recommended conditions and can be shown on the Construction Certificate drawings. An easement for waste collection will be required upon completion of the development.

For Buildings F and E (but this should possibly refer to Building A), external waste collection at the street is proposed. These buildings have six and seven units, respectively. DCP 40 requires internal collection for more than six units. Therefore the proposed arrangement for Building F can be supported, however collection from the other buildings should be done at the communal collection area at the central Young Street entrance. This will be arranged by Council's Manager Waste services when the development is complete – it is not considered that additional conditions are necessary at this stage.

Traffic generation

Traffic generation and implications have been addressed by Council's Traffic Section. It is noted that the traffic generation figures recommended by the RTA for Seniors Living developments are low.

Construction management

The Construction Management Plan submitted is necessarily indicative. It is expected that detailed plans would be prepared by the demolition/ excavation contractor and builder and submitted prior to commencement of works.

The plan shows construction entry and exit at two points only, Billyard Avenue as the major point, and Young Street when construction of Building E obstructs the major access. This proposal is considered to be the most acceptable option for site access and will keep most traffic away from Water Street and the narrow section of Young Street.

A detailed Traffic Management Plan will be required prior to commencement of any works. Conditions could include a restriction on construction vehicle movements during school pick-up and drop-off times, as well as the restriction of large vehicles to Billyard Avenue and the

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southern section of Young Street. Because of the location of Building E, the use of this section of Young Street at some stage appears to be unavoidable.

Young Street is only wide enough for two cars to pass. Timed parking restrictions are in place at the northern end, however it is considered that parking should be prohibited for the construction period, subject to Traffic Committee approval. A condition could be recommended to this effect.

Geotechnical investigation

The site is underlain by residual clays to about 2 metres depth, then weathered shale to between 7 and 10 metres depth. Excavation to basement level will be up to about 10 metres at the north-west corner of Basement C and for Basement B2, 5 metres for Basement A, 6 metres for Basement F and 3 metres for Basement E.

The report contains recommendations for dilapidation reporting of structures within 20 metres of the excavation, vibration limits and vibration monitoring, excavation support and inspections.

Structures within 20 metres of the excavation are:

- *Rippon Grange itself;*
- *5 Plymouth Close (residence)*
- *33 Water Street – tennis court, cabana and swimming pool;*
- *62 Billyard Avenue, tennis court and residence.*

These could be addressed by conditions. Approval will also have to be obtained for any temporary rock anchors proposed beneath adjoining private property or road reserve."

Ecology

Council's Ecologist, Mr David Wilkes, has made the following comments:

"I have reviewed both the Flora and Fauna Assessment by Urban Bushland Management Consultants Pty Ltd and the Review of Ecological Issues and Proposed Development by Footprint Green Pty Ltd. Both reports were generally adequate in their scope and methodology, however, the UBM report does not list the names, experience, and qualifications of their staff that carried out the field survey and report. It is standard practice to do so and is also useful in properly assessing these studies.

*I concur with comments made in both reports about the Magenta Lilly Pilly (*Syzygium paniculata*) as it is not endemic to this area and most likely planted. The site vegetation management plan suggested by UBM will be sufficient to manage this species on site.*

Both reports suggest there will be no significant impact from the proposed development. In this case I do not agree as the proposed development will lead to the removal of an area of

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BGHF and long-term impacts on the community both on and off site. This Endangered Ecological Community (EEC) now exists in pockets making up less than 5% of its original extent and is currently being considered for listing as critically endangered (the highest category) under the Threatened Species Conservation Act by the NSW Scientific Committee. Therefore, any loss and potential long-term impacts should be considered as potentially significant. If so then the matter must be referred to the Director General of the Department of Environment and Conservation (DEC) for their requirements to carry out a Species Impact Statement. After the site meeting with officers from the Development and Regulation Department, I would think this would be consistent with the views of the DEC. The site is also located within a more extensive (fragmented) area of BGHF, including nearby a core habitat area in Clive Evatt reserve so forms an important bio-link to help maintain the community in the locale.

The DA could however be modified to ameliorate potential impacts to negate the need for an SIS and reduce the overall long-term impacts on and off site. This could include one or more of the following measures:

- 1. Reduce the footprint of the proposed development particularly in the south-east corner of remnant BGHF marked as Area 1 (in the UBM report)*
- 2. Develop a long-term bush regeneration plan for the remnant BGHF and include it in a covenant or conservation agreement with DEC*
- 3. Remove inappropriate plant species placed in Area 2 recently of the UBM report and plant local provenance plant species consistent with local BGHF stands. (IE the area cleared without a Section 92 licence TSC Act).*
- 4. Offset the loss of BGHF on site by purchasing an area of unreserved BGHF in this Council area or provide funds to regenerate areas of BGHF offsite. Guidelines for such measures can be obtained from DEC.*

The EEC on site (BGHF) is listed as being of national significance under the EPBC Act therefore the proponent should seek advice from Environment Australia and refer the DA to them for appraisal."

CONSULTATION - OUTSIDE COUNCIL

The Heritage Council made the following comments:

The Heritage Council advises that:

- 1. The development, as it is currently proposed, is considered unacceptable and the Heritage Council would be agreeable to forming a sub-committee (comprising of Susan Macdonald, Julie Bindon, Peter Mould and Diane Jones) to assist the applicant and Ku-ring-gai Municipal Council in the preparation of an alternative scheme for the site.*

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2. *The use of the site under the SEPP Senior's Living is supported in principle because it provides for the conservation of the site in its setting and its long term management in one ownership. However, alternatives such as standard residential, with community title arrangements to facilitate long term sustainable conservation and management of the site, may also be appropriate.*
3. *The Heritage Council is concerned about the bulk, height and scale of buildings B1 and B2 in particular and their proximity and relationship to Ripon Grange house.*
4. *The Heritage Council advises that any proposed buildings on the site should be lower than the ridge line of Rippon Grange house to retain its prominence in its landscaped setting.*

In arriving at this decision, the heritage significance of Rippon Grange was carefully considered and it was found that the development, if approved, would materially affect that heritage significance.

Since the above meeting, the sub-committee has formed and has provided the following further advice:

"The Heritage Council resolved to set up a subcommittee on 4 October 2006 to examine the site, review the above development scheme, and make recommendations that might clarify what an acceptable outcome would be. This Subcommittee met on Monday 13 November 2006. The Subcommittee toured the site, and reviewed the application as submitted on 4 October 2006. Having previously found the application to be 'unacceptable', the Heritage Council subcommittee resolved to give the applicant further advice that might be conducive to formulating an acceptable scheme for the conservation and adaptive reuse of the site.

The Heritage Council Subcommittee resolved to advise that:

1. *The use of the site under the SEPP Seniors Living is supported in principle because it provides for the conservation of the site in its setting and its long term management in single ownership.*
2. *The bulk and scale of Buildings B1 and B2 would need to be reduced to provide an acceptable scheme. The maximum height of the development should be no higher than the ridge of Rippon Grange house.*
3. *It is recommended that Building B1 be relocated further south so that it is in line with the northern wall of Building B2, equidistant from the southern wall of Rippon Grange. This is likely to involve relocating Building A further south.*

In formulating this advice, the heritage significance of Rippon Grange was carefully considered and it was found that the bulk and scale of the development must be reduced in the most sensitive areas to retain the heritage significance of the house and garden."

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STATUTORY PROVISIONS**Environmental Planning and Assessment Act 1979****Significant effect on threatened species, populations or ecological communities, or their habitats (Section 5A(2) EP&A Act 1979)**

The site contains remnant Blue Gum High Forest - Endangered Ecological Community (BGHF-EEC). Council must consider the impacts of the development in accordance with Section 5A(2) when making its determination.

Council's Biodiversity and Landscape Officers have provided comments in relation to the impacts of the development on the remnant Blue Gum High Forest ecological community. Both have concluded that the development is a key threatening process and will have a significant detrimental impact on the endangered ecological community, which is contrary to the provisions of Section 5A(2) of the Environmental Planning and Assessment Act, 1979. A Species Impact Statement is required and has not been carried out.

It has been concluded that the works are such that the development in its current form would contribute to the loss of more BGHF EEC and could contribute to its overall decline. Consequently, the proposal is unacceptable in this regard.

State Environmental Planning Policy (Seniors Living) 2004

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Cl.25(1)(a-c)(2)(a-b) Site within 400m of facilities	Site within 400m of public transport that provides access to facilities and support services	YES
Cl.27(1) Water and Sewer- connection to water and sewer	Housing can be connected	YES
Cl.38(2) Site area (min): 1000m ²	22,932sqm	YES
Cl.38(3) Site frontage (min): 20m	>20m	YES
Cl.52(2) - Wheelchair Access: Gradient not less than 1:10: - 100% of dwellings must be wheelchair accessible: - 10% of dwellings must be accessible to a public road:	 <div>>1:10</div> <div>100%</div> <div>>10%</div>	 <div>YES</div> <div>YES</div> <div>YES</div>
Common areas accessible:		YES
Cl.56 Private car accommodation - Parking space: 6m x 3.2m - Internal clearance of 2.5m - Height of entry 2.3m	 <div>6m x 3.2m</div> <div>2.5m</div> <div>2.3m</div>	 <div>YES</div> <div>YES</div> <div>YES</div>

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Cl.57(a-c) Accessible entry	Compliance by condition	YES
Cl.58 Exterior: general – all doors to be keyed alike.	Compliance by condition	YES
Cl.59(1-3) Interior: general - Internal door clearance 800mm - Internal corridor width 1m - Door width 1.2m	 800mm 1m 1.2m	 YES YES YES
Cl.60(1-2) Living and dining room - circulation space 2,250mm - Clause 4.7 AS 4299	 2,250mm Compliance by condition	 YES YES
Cl.61 (a-c) Kitchen - width 2.7m - clearance 1450mm - door approaches 1200mm - bench width 800mm	 2.7m 1450mm 1200mm 800mm	 YES YES YES YES
Cl.62(a) Main bedroom - clearance 1200mm	 1200mm	 YES
Cl.67 Laundry - clearance 1300	 1300mm	 YES
Cl.68(a) Storage - width 600mm	 600mm	 YES
Cl.81(a) Maximum height 8m: Rear 25% must be single storey:	Building A – 10.9m Building B1 – 20.1m Building B2 – 21.6m Building C – 16.2m Building D – 13.5m Building E1 – 6.7m Building E2 - 8.0m Building F – 11.75m Building E1 & E2	NO NO NO NO NO YES YES NO YES
Cl.81(b) Floor Space Ratio 0.5:1	0.66:1	NO
Cl.81(c) Landscaped area: min 30% Deep Soil: min 15% 2/3 located to the rear of the site:	Minimum 30% and 15% located to the rear	YES
Solar access: min 70% of dwellings receive 3 hours of direct sunlight:	75%	YES

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The aim of SEPP SL 2004 is to increase the supply and diversity of residence that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design.

Cl.31 Neighbourhood amenity and streetscape

Principally, the objectives of Cl.31 are to recognise the desirable elements of a location so that new buildings contribute to the quality and identity of the area, to retain, complement and harmonise with any heritage items, maintain reasonable neighbourhood amenity and to setback buildings in sympathy with existing building line.

The surrounding area is a mixture of mostly low density residential development, one and two storeys in height with educational facilities and churches also in the vicinity. The scale of the proposed buildings, as noted in the compliance table, which are up to 7 storeys or 21.6m in height, in addition to the excessive FSR of 0.66:1 demonstrates the inappropriate scale of the development. The overall scale negatively impacts on the quality and identity of the area and is incompatible with adjacent development contrary to the cl.31(a) and (b).

The site is listed as a heritage item and the listing includes all buildings and the landscape. Rippon Grange is the main building located on site and was originally constructed as a two storey dwelling house. In approximately 1952, it was donated to the state government for use as a hospital, firstly to provide respite care for polio sufferers and then expanded to infectious diseases. The site also contains associated structures, including stables, school rooms and swimming pool. The site contains a number of important landscape elements, including formal gardens around the northern section of the site, Bunya Pine and bushland area located to the southern side of the site. The development will have a significant detrimental impact on these items. This is contrary to cl.31(b), consequently, the application is unacceptable in this regard.

There will also be a significant detrimental privacy impacts between the proposed apartments within the development site and on adjoining development to the west of the site. This issue is discussed in detail under the SEPP 65 assessment below.

Cl.81(a)(b)(c) Standards that cannot be used to refuse development consent for self contained dwellings

Building height

Six of the eight buildings exceed the 8m height limit prescribed under cl.81(a) (refer to compliance table). The largest variance relates to Building B2 which has a ceiling height of 21.6m, 13.6m in excess of the requirement. The objectives of the height control, in part reflect those of cl.31. The control also seeks to ensure development is compatible with the surrounding environment in terms of size/ scale, bulk and to ensure there is not an abrupt change in scale between development sites. The following is part of the applicant's justification for the variation:

"The development has been designed through a process of detailed site analysis to identify environmental and built form constraints and opportunities. This has resulted in a pavilion

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style design with individual built form elements ranging in height from between 1 and 5 storeys which are set well within the landscape and maintain height below the tree canopy. These heights have been developed in recognition of the individual elements spatial relationship with adjoining development and its streetscape contribution. The existing heritage items have also been retained and integrated as focal elements within the development."

Despite the claim, the development is up to 7 storeys in height. These substantial non-compliances will result in a significant detrimental impact in relation to the surrounding development and the heritage significance of the site which is contrary to the control's objectives. The development is excessive in scale, does not reflect the surrounding development and, as a consequence, will have a significant detrimental for the reasons given throughout this report. The impacts are compounded by the non-compliance with maximum FSR.

Density and scale

The development has an FSR of 0.66:1 which equates to a total floor area of 15,135.12m² or 3669.12m² in excess of the maximum of 0.5:1. The objectives of FSR are to minimise bulk and scale of development, generally so it is compatible with the surrounding area and does not result in associated amenity impacts. The applicant has offered the following in support of this variation:

"The floor space ratio for the entire development has been calculated at 0.66:1. Whilst this exceeds the threshold for developments containing only self contained dwellings, the proposed development also proposes the retention of the existing heritage items and the provision of an extensive range of ancillary facilities.

In our opinion it is appropriate to consider the proposed density having regard to the unique yet sensitive approach taken to achieve a balance between the densities required to enable the restoration, adaptive re-use and ongoing maintenance of the Rippon Grange building and landscaped curtilage and the achievement of acceptable environmental and built form outcomes. Clearly the 0.5 threshold was established for small lot infill type seniors housing where the provision of a range of ancillary facilities as proposed in this particular scheme was not anticipated.

Given the site specific design response proposed, and the particular built form circumstances, it is considered that an FSR of 0.66:1 is reasonable in this instance."

It is not agreed that the development is a 'sensitive' approach. The development is excessive in scale, compounded by the non-compliant height of six of the 8 buildings. This has a detrimental effect resulting in a development that is out of scale both with the heritage buildings located on site with the surrounding low density residential context. This has significant detrimental streetscape and heritage impacts.

State Environmental Planning Policy No.55 – Remediation of land

Clause 7 of SEPP 55 requires Council to consider whether the site is contaminated and if so, whether it is suitable or will be suitable after remediation for the purpose of the development. A

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stage 1 contamination assessment was undertaken in 2004 and submitted in support of the application. The following is the conclusion from this report:

“Based on the review of the above site historical information and the information received from the site inspection the following conclusions can be made about the site:

- *The site was originally vacant and part of a larger parcel of land;*
- *The site was subdivided and ‘Ripon Grange’ was constructed in 1898;*
- *In 1951 the site was donated to the NSW Government and became the John Williams Hospital;*
- *The only previous areas of environmental concern are as follows:*
 - *The most recent use as a small hospital. UST’s associated with diesel boilers and back up diesel generators pose issues of environmental concern, however no evidence of any UST’s, diesel back up generators or diesel boilers were observed during the site inspection;*
 - *There is historical evidence that a small sewerage plant may have existed on the site, however no evidence was noted during the site inspection;*
 - *Suspected asbestos containing materials (not laboratory tested) were noted during the site inspection. ”*

The purpose of the above report was to disclose all past and present potentially contaminating activities, potential contamination types, site conditions and provide a preliminary assessment of site contamination. If the application were to be supported, conditions of consent would be included to address the potential issues of asbestos, lead based paints and PCB’s in order to ensure the site was suitable for its proposed use.

State Environmental Planning Policy No.65 – Design quality of residential flat development

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provide an assessment framework and design code for assessing ‘good design’. Part 3 of the SEPP institutes a ‘design review panel’ to provide an independent, open and professional review of the designs submitted to Council’s for approval. The ‘Design Statement’ within the S.E.E has not been verified by a registered architect as required under the provisions of the SEPP.

Part 2 sets out design principles against which design review panels and consent authorities evaluate the merits of a design. This section is to be considered in connection with the comment of Council’s Urban Design Consultant provided above. The proposal is assessed against the heads of consideration, as follows:

Principle 1: Context

Council’s Urban design consultant does not support the application in this regard. As noted earlier, the main concern is the detrimental relationship between the excessive scale of buildings B1 and B2, and the site’s built heritage items. The development will have a significant detrimental impact

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in this regard. However, in terms of the greater context, the development also fails to meet Principle 1's objective.

The development which, in part, is up to 7 storeys in height is also out of context with the surrounding area. The surrounding area is typified by lower density development of a single and two storey height. Further, it is not an area that will undergo a transition to a higher density development. Consequently, one of the key elements of the existing and planned built characteristics is low scale development. This development does not reflect this context. To the contrary, the development is excessive in scale, will visually dominate the heritage item, site and the immediate area which are unacceptable impacts. These impacts are made worse by the inappropriate location of Buildings C, D and F within close proximity to the Young and Water Street boundaries and Buildings A and B1 in close proximity to the lower scale dwellings at 3 and 5 Plymouth Close and 33 Water Street. Buildings A and B1 have maximum top floor ceiling levels of RL 202.2 and RL 213.2, respectively. The rear private open space ground levels of 33 Water Street, 3 and 5 Plymouth Close vary because of the slope of the site but are approximately at RL 197.5, 191.5 and 187, respectively. The proposed buildings far exceed these levels and will appear overbearing when viewing from the main private open space of these properties.

Principle 2: Scale

The development substantially exceeds the height and FSR controls in SEPP Seniors Living. These non-compliances result in unacceptable scale/ bulk impacts. The development is excessive in scale and will visually dominate the subject and adjoining sites to the detriment of the heritage item and low density residential character of the area.

Principle 3: Built form

The objectives of Principle 3 seek appropriate building form for the site and building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

The development does not provide appropriate built form. Buildings A, B1, B2, C, D and F are excessive in scale, inappropriately located on the site and dominate buildings on and adjoining the site. These impacts have a significant detrimental impact on the public domain, the streetscape character and external / internal visual amenity to the main heritage item being 'Rippon Grange' and its internal spatial relationship to other related heritage buildings on site. For these reasons the development is contrary to the provisions of Principle 3 and the development is not supported.

Principle 4: Density

The objective of Principle 4 is to ensure the density is appropriate to the site and its context in terms of floor space yields. The development exceeds the maximum FSR standard, as prescribed under cl.81(b) SEPP SL. The non-compliance demonstrates the development's inappropriate density and scale, which is intrusive, overbearing and entirely out of context with the lower density residential character of the area. The impacts are compounded by other non-compliances, in particularly the development's excessive height. The excessive density will result in significant streetscape and visual impacts.

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Principle 5: Resource, energy and water efficiency

The development is consistent with Principle 5 in that the proposal meets the energy, water and thermal targets prescribed under BASIX. The development also provides reasonable sunlight access to the apartments and natural ventilation.

Principle 6: Landscape

There will be a detrimental impact on the heritage landscape, including the Bunya Pine, there will be a significant reduction of the remnant Blue Gum High Forest Endangered Ecological Community (BGHF-EEC), there will be isolation the northern most portion of the remnant BGHF-EEC. The works are a key threatening process, the increased built form will detrimentally impact the hydrology of the BGHF-EEC, the water feature will impact on several existing trees proposed to be retained and there are several drainage lines through the primary and critical root zones, which will have a detrimental impact on the tree, which form a part of the remnant BGHF –EEC.

The above impacts are contrary to Principle 6 in that the development does not build on the sites natural and cultural features, it will negatively impact on the natural environment, including hydrology in particular to the BGHF – EEC and its habitat value. These impacts in turn have a negative impact on the streetscape and neighbourhood character and desired future character.

Principle 7: Amenity

In part, the objectives of Principle 7 seek to optimise visual and acoustic privacy. The development fails to meet these objectives in that there is a significant detrimental impact in relation to privacy. The upper levels of Building A and B1 will allow direct overlooking of the adjoining development to the west, namely 3, 5 Plymouth Close and 33 Water Street. The height of the upper levels allows direct overlooking from bedrooms and balconies into the main private open space of 3 and 5 Plymouth Close and 33 Water Street. These impacts are unacceptable and are compounded by the number of apartments within the site. There are also privacy impacts within the development between the following buildings:

Buildings C and D:

- Apartment C104 study alcove window is 6m from the living area window of apartment D101.
- Apartment C204 study alcove window is 6m from the living area window of apartment D201.
- Level 5 lobby window is 11m from the living area window of apartment D401.

Buildings E1 and E2:

- Apartments E 102 and E103 have only a distance of 7.5m – 9m between them, both apartments have windows overlooking bedrooms and living rooms.

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- Problems of overlooking from Buildings E1 and E2 into 62 Billyard Avenue, especially the back yard.

Principle 8: Safety and security

No significant concerns are raised in relation to the development in this regard.

Principle 9: Social dimensions

No significant concerns are raised in relation to the development in this regard.

Principle 10: Aesthetics

Principle 10 seeks quality aesthetics by appropriate composition of building elements, textures, materials and colours. The development needs to reflect the use, internal design and structure of the development. It should respond to the environment and context, particularly to desirable elements of the existing streetscape or in precincts undergoing transition, contribute to the desired future character of the area.

The development does not positively respond to the environment or its context for the reasons given throughout this report. The area is not undergoing change and low scale residential development will continue to dominate the area.

Regional Environmental Plan 20 – Hawkesbury Nepean River

The development is consistent with the relevant considerations under the SREP.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Development of heritage items (cl.61D(2)):

The development will result in a significant detrimental impact on the natural and built heritage items contained within the curtilage of the site for the reasons given by council's Heritage Advisor and as assessed elsewhere in this report. As a consequence of these impacts the development is contrary to cl.61D(2)) and the proposal is not supported in this regard.

Development Control Plan 40 – Construction and Demolition Waste Management

The development is consistent with DCP 40.

Development Control Plan 47 – Water Management

The development is consistent with DCP 47.

Section 94 Plan

Contributions are not required in this instance given the recommendation of refusal for the application.

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Likely impacts

The development will result in significant detrimental impacts for the reasons given throughout this report.

Suitability of the site

The site is not suitable for the proposed development given the impacts of the development.

Any submissions

All submissions received have been considered in the assessment of this application.

Public interest

The development is not in the public's interest.

Any other relevant matters considerations not already addressed

There are no other matters for assessment.

CONCLUSION

Having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the proposed development is not satisfactory and is therefore recommended to be refused.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, refuse development consent to Development Application No. 855/06 for restoration and re-use of existing heritage item and construction of 78 Seniors living units within 8 buildings, basement car-parking and landscape works on land at 35 Water Street and 64 Billyard Avenue, Wahroonga for the following reasons:

Heritage

1. The development will have a significant detrimental impact on both the natural and built heritage values of the site. These impacts are contrary to the provisions of cl.31(b) Neighbourhood Amenity and Streetscape of State Environmental Planning Policy (Seniors Living) 2004, cl.9 Context of State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development and cl.61D(2) of Ku-ring-gai Planning Scheme Ordinance.

Bulk and scale

2. The development does not comply with the maximum building height and floor space ratio requirements. As a result, the development is excessive in scale and bulk, which is out of character and inappropriate contrary to the provisions of cl.31(a),(ciii) and cl.81(a),(b) of State Environmental Planning Policy (Seniors Living) 2004 and cl.10,

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12 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development

Context, siting and character

3. The development is out of context, inappropriately sited and is out of character with the surrounding low density residential area. As a result, the development is contrary to the provisions of cl.31(a), (ci) and (d) of State Environmental Planning Policy (Seniors Living) 2004, cl.9 and 11 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

Blue Gum High Forest - Endangered Ecological Community (BGHF-EEC)

4. The development will have a significant detrimental impact on the BGHF-EEC, the development is a key threatening process and is contrary to cl.5A(2) of the Environmental Planning and Assessment Act, 1979.

Amenity

5. The development will have a significant detrimental privacy impact between the within and external to the development which is contrary cl.32(a) of State Environmental Planning Policy (Seniors Living) 2004 and cl.15 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

S Garland
Executive Assessment Officer

S Segall
Team Leader
Development Assessment – North

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Location sketch - 703548**
- Zoning extract - 703548**
- Site plan - 703550**
- Complete heritage referral assessment - 703551**
- Architectural Plans Part 1 – 703554**
- Architectural Plans Part 2 – 703555**
- Drainage plans – 703557**
- Landscape plans Part 1 – 703558**
- Landscape plans Part 2 – 703559**
- Landscape plans Part 3 – 703560**

LOCATION SKETCH

35 Water Street, WAHROONGA

DEVELOPMENT APPLICATION No 855/06



**This is not an exhaustive list of objectors.
Please refer to the report for a comprehensive list.**

▲ AGREEMENT

● OBJECTION

▨ SUBJECT LAND

▤ PETITION

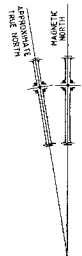
■ SUBMISSION

□ CIRCULATED AREA

Scale : 1:3000

04-12-2006





LEGEND:-

BALC BALCONY
BB TOE OF BANK
DD DISH DRAIN
DH DOOR HEAD
DS DOOR SILL
EB EDGE OF BITUMEN
ELP ELECTRIC LIGHT POLE
FLR FLOOR LEVEL
FLR.G GROUND FLOOR LEVEL
FLR.1 FIRST FLOOR LEVEL
H HYDRANT
INV INVERT
MH ACCESS CHAMBER
OL OVERHEAD POWER LINES
PC PRAM CROSSING
PO POST OFFICE LETTERBOX
PP POWER POLE
RR ROOF RIDGE
SAC SEWER ACCESS CHAMBER
SV STOP VALVE
T TELSTRA
TB TOP OF BANK
TK TOP OF KERB
TG TOP OF GUTTER
TOG TOP OF GRATE
TW TOP OF WALL
TG.1 TOP OF GUTTER 1ST FLOOR
TS TRAFFIC SIGN
UE UNDERSIDE OF EAVES
VC VEHICLE CROSSING
WSI 1ST FLOOR WINDOW SILL
VER VERANDAH
WHG GROUND FLOOR WINDOW HEAD
WSG GROUND FLOOR WINDOW SILL
WSI 1ST FLOOR WINDOW SILL
WHI 1ST FLOOR WINDOW HEAD

84 DENOTES CENTRE OF TREE
WITH TAGGED NUMBER AS SHOWN

NOTES - THE PURPOSE OF THIS SURVEY WAS TO OBTAIN TOPOGRAPHICAL
DETAIL AS REPRESENTED ON THIS PLAN

BOUNDARIES HAVE NOT BEEN DEFINED OR MARKED

BEARINGS, DIMENSIONS & AREAS HAVE BEEN COMPILED FROM
PUBLIC RECORDS AND ARE SUBJECT TO SURVEY

LEVELS SHOWN HEREON ARE RELATED TO AUSTRALIAN
HEIGHT DATUM (A.H.D.)

DUNLOP THORPE & CO. PTY. LTD.

SURVEYORS AEN 74 003 512 150

447 KENT STREET PHONE 9283 6677

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DRAWN: WBS

SURVEYED: DGW

DESIGNED:

CLIENT: MURLAN GROUP

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TITLE:

PLAN
OF LAND COMPRISED IN CERTIFICATES OF TITLE 1/375262 AND 1/726091
AT WAHROONGA
L.G.A. KU-RING-GAI

SCHEDULE OF SHORT BOUNDARIES
① 100°04'30" 3.150
② 225°40'30" 3.150
③ 253°18'10" 3.150

REDUCTION
RATIO 1:500
LEVEL DATUM A.H.D.
DATE 29-8-2005
SHEET 1 OF 1 SHEETS
REFERENCE MAP 130000

DA 855/06
35 Water St
25 October 2006

MEMORANDUM

TO: shaun garland

FROM: Paul Dignam - Heritage Conservation Planner

SUBJECT: **proposed seniors living application to "ripon grange" - 35 water street, wahroonga**

Preliminary

Due to the complexity of the issues I have included a separate summary to this report. This memo is intended to be an attachment to the report to Council.

Heritage Status

The whole of the property is listed as a heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. The listing applies to the 5 acre site but does not extend to the lot on the corner of Billyard Avenue and Young Street, proposed building E1 & E2. However, development on that lot needs to be assessed against Clause 61 E of the KPSO - "within vicinity" of a heritage item.

The site is classified by the National Trust. It should be noted that the Trust has provided Council with an opinion on the proposed scheme and does not support it due to adverse impacts on the landscaped garden.

The site is included on the Register of the National Estate. Listing on the register does not have any statutory requirements unless the land is owned by the Commonwealth Government.

The site is not listed on the State Heritage Register (SHR), but it should be noted that the NSW Heritage Council have received several nominations and have indicated that they consider the site to have State significance and intend placing the whole of the site on the SHR in the future. It should be noted that a SEPP Seniors Living application is excluded on a site listed on the SHR. The NSW Heritage Council have provided advice to the applicant and Council on the merits of the proposed application and have advised the applicants to amend the application. Their conclusion is to advise Council to refuse the application on the grounds that it would "materially affect the heritage item".

2001 Conservation Management Plan

There are two Conservation Management Plans (CMPs), both prepared by Rod Howard and Associates. The first report is dated January 2001 and is a draft. However, it is relatively comprehensive and includes a detailed history, extensive description of the site and an adequate assessment of significance. It grades the site as "State Significance" and recommends that a nomination be made to the NSW Heritage Council for listing on the SHR. The draft CMP was prepared for the former owners, the NSW Department of Community Services and was provided to prospective purchasers as part of the documents for sale. The draft CMP is considered to be adequate.

The conservation policy and implementation recommendations in the back half of the report were not fully developed in the draft, as there was no proposed change at the time it was prepared. The most important recommendation in the report is about curtilage and future new development of the site. It states:

"The recommended curtilage should be established for the site (attached sketch). This will impose the following conditions:

- No activity shall take place within that portion of the site defined by the curtilage which will diminish the historic relationship of Rippon Grange with the site and its surrounding built and landscape environs*
- Any new buildings which may be considered within the area defined by the curtilage should be carefully designed and located so as not to diminish the significance of the place. Limitations of height, to no more than two stories (one of which should be contained within the roof space), should be imposed on new buildings. Additionally, their form scale, materials and setbacks should compliment and harmonise with significant buildings within the curtilage.*
- Consideration may also be given to screen new development from significant built items by means of planting. This should take the form of species compatible with the planting already on the site".*

2006 Conservation Management Plan

The same firm prepared a revised CMP for the site dated July 2006. It is considered to be well researched, highly detailed and satisfactory. It was prepared for the current owners of the site and it was submitted as part of the DA submission. The main difference between the 2001 CMP and the current document is that the conservation policy and implementation recommendations are fully developed and are helpful and relevant in assessing the current application.

The main recommendation is that the 2006 CMP is that a smaller area of the site is critical to its heritage significance and establishes a "primary" and "secondary" heritage curtilage. The policies following from the revised curtilage propose less restrictive implications for new development on the site (attached maps).

The CMP still grades the site as State significance and recommends that a nomination should be made to the NSW Heritage Council to include it on the SHR. The NSW Heritage Council has a process of endorsing CMPs. Advice received from the Heritage Office in November 2006 is that the CMP has not been referred to them for endorsement.

Curtilage issues

Curtilage is defined as

“a larger area of land (than the footprint of the building) which subserves the purpose of the building. The land surrounds the building because it contributes to the enjoyment of the building”.

In most cases the curtilage to a heritage item is applied to the whole of a property, usually taken as the legal description - Lot & DP number. In Ku-ring-gai it is not uncommon for a heritage item to include several lots with the house on one lot or sometimes over two lots and other built elements such as a tennis court on a separate lot. In that case the listing includes all the lots forming the property. The definition in the KPSO is the area of land shown on the gazetted map and the street address shown in Schedule 7 of the KPSO. For this property - 35 Water Street the curtilage is Lot 1 DP 375262. The second lot on the corner of Billyard Avenue and Young Street (Lot 1 DA 726091) is not included in the heritage listing.

Curtilages can extend beyond the lot boundaries (expanded curtilage) or can be taken as a smaller part of the property (reduced curtilage). The extended curtilage of this site includes the former gatehouse and remnant plantings that exist on neighbouring properties. The original property includes all the land between Water Street and Billyard Avenue from Eastern Road to the former gatehouse at No 29 Water Street. It should be noted that within this extended curtilage some later developments are significant and listed as heritage items.

The 2001 CMP defined the essential curtilage (or reduced curtilage) as an area of about 4 acres and defined an area along the southern boundary as being non essential in understanding the cultural significance of the place. The CMP suggested that limited subdivision and sensitive new development could take place along the southern boundary of the site provided firm controls were in place to conserve the large trees in that area (attached map). The most important recommendation is that any new development in the primary area should be limited to single storey building with any second floor to be designed as ‘rooms within the roof’.

The 2006 CMP did not comment on future subdivision of the site but introduced a revised curtilage recommendation that introduced a “primary heritage area” and a “secondary heritage area”. The primary area applies to about half of the site including the entry loop, the eastern terraces the main house and outbuildings including the garage and stables. The secondary heritage area is relatively small and includes a small area to the south of the entry loop and a small area to the east of the stables. The balance is shown as “treed open space” (attached map).

The development constraints arising from the revised curtilage map are shown on the attached map. In summary it recommends a band running east-west across the site including the entry loop, the main house and eastern terraces including the tennis court and croquet court. An area around the stables building is also shown as important to be left open without new building. It is permissible for new buildings on the balance of the site. The key controls are:

- **a limit of 2 stories directly behind the main house to retain interpretation, and**
- **the height of new development is not to exceed the ridge height of the main house.**

For the primary areas the recommendations also include:

- *New development within the primary heritage area should only be undertaken so that the cultural significance of the place is protected and enhances. New buildings should not disturb or intrude upon the visual relationships between "Ripon Grange" and the significant garden areas to the east of the building, or from identified views from the north, east and west*
- *In general terms any new building should be no higher than adjacent significant built items and should be subordinate to them in terms of their height, scale, bulk and detailing*
- *Major views across the site that are identified elsewhere in this CMP should not be obstructed by new development.*

For the secondary area the most important guideline is:

- *New development may take place in the secondary heritage area where it is cognisant of the cultural significance of the place. New development should only be undertaken so that the cultural significance of the entire place is protected and enhanced. New buildings should not disturb or intrude upon the significant built elements, garden areas and views within the primary conservation area.*

Comment

The CMP recommendation that any new building should be subordinate in terms of height, scale and bulk is not achieved. The RL at the ridge of Rippon Grange is 210.82, the RL at the ridge of Building B1 & B2 is 214.1, so the new development is 3.28m above the ridge of Rippon Grange. The amount of non compliance with the CMP is substantial. Building B1 & B2 are actually joined although they have separate roofs which breaks the scale at the upper levels but has a total length of over 70 metres resulting in a very bulky building and a scale that overwhelms Rippon Grange. Due to the fall on the site it results in 5 stories at the western end and effectively 7 stories at the eastern end which would create a greater conflict at the eastern end of building B1 & B2.

Another recommendation proposed an area of over 15m behind the main building that should be limited to no more than 2 stories. Building B1 & B2 are sited 12m behind the main building with one storey linking structures attached to it. This CMP recommendation is not achieved

In terms of design and detailing, the proposed new buildings are contemporary and are designed with a range of materials including stone, face brickwork, painted brick, metal cladding, timber, steel framed balconies, aluminium and timber privacy and sun screens. The colours and materials are selected to relate to the existing buildings on the site. In principle, there is no heritage objection to the architectural style, the detailing, the materials or colours of the new buildings. They are considered appropriate.

Proposed demolition

Buildings and elements to be demolished:

- Timber Classroom associated with the hospital

- The brick garage
- Brick classroom/playroom located to east of main house and covered link
- The pool filter room
- Pool structure
- Glass house
- Potting sheds and conservatory
- Eastern portion of stables building
- Additions to the billiard room in Rippon Grange undertaken for hospital use
- Brick hospital wing to the east of Rippon Grange
- Various paths throughout the site

Comments

The timber classroom buildings associated with the hospital use of the site are graded as medium significance. The significance level would indicate that they should be retained and adapted however, they are common building types and are a standard type of building designed by Public Works and similar examples exist on many school sites across the state. It is considered acceptable to allow an appropriate reuse but if a suitable reuse can not be found demolition is acceptable provided photographic recording is undertaken

The brick garage is thought to be part of the original construction but it has been extended and modified with the original gable roof replaced with a flat roof at an unknown time. It also has several alterations that have reduced its overall integrity. It is considered acceptable to allow demolition provided photographic recording is undertaken.

The brick classroom/playroom adjacent to the eastern terraces is graded as a medium level of heritage significance and its architectural significance is noted, being attributed to the well known architectural firm of Leighton Irwin & Co. Funding for the building was raised by charity groups and as such has historical and social values. It is a relatively small building with an open plan, located near tennis court. The CMP recommends the item should be conserved and an appropriate adaptive reuse found. Its demolition is not supported and it is recommended that an appropriate re-use should be found. The application proposed demolition of this building which is not supported. Retention and adaptive reuse is recommended. Possible uses are for a tennis court pavilion, small kiosk/coffee shop, bar or other communal uses. The covered link is an intrusive element and can be removed

The pool filter room is considered to have significance associated with the pool, which is a later element constructed by the Williams family however, I agree that conservation is not essential and it can be demolished after photographic recording.

The pool structure enclosing the pool is a later element and is considered intrusive. It is appropriate to remove it and replace it with a more sensitive and appropriate enclosure. Some consideration should be given to retaining it as an open pool as originally constructed.

The glass house, potting sheds and conservatory are considered to be of some significance to the place, particularly as they relate to the garden, the integrity of the property as a whole and contribute to the understanding of the place. It is noted that these elements were not well used during the institutional use of the site and are dilapidated. It would be desirable to retain and conserve these items. However, they are not essential and if removed should be photographically recorded. Some consideration should

be given to providing new facilities in the grounds to continue their role.

The eastern wings of the main building are considered to be intrusive and can be removed. However, it is recommended to record before demolition.

The proposed development would require removal of some paths and driveways, particularly the path/drive connecting the main house to the series of outhouses and stables. These are all considered to be important in the relationship of the house to its garden and historically were associated with all occupants and uses of the site, including the institutional use of the place.

Relocation of Rustic Shelter and Killara Cottage

The rustic shelter has collapsed, but the fabric has not been removed and much of the fabric could be retained and incorporated into a reconstructed building. The location of the rustic shelter is considered important as it historically relates to the tennis court and croquet lawn. It is proposed to reconstruct it with some new material and relocate it. Reconstruction is supported, but its relocation is not supported.

Killara Cottage is associated with the house's termite damage. The CMP recommends to reconstruct and relocate it to its original location. It is considered that reconstruction and recording would be acceptable.

Heritage Comments
2

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Heritage Impact Statement

The applicant has employed the author. The statement of cultural significance is unaltered. The HIS is prepared in a thorough manner. The author has thoroughly considered the issues. He and the author's conclusions on the project are unaltered.

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conclusions
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In relation to the location of the proposed buildings:

"The proposed buildings have been located in a way that respects the heritage items while providing optimal development. The buildings have been placed so as to

significant built and landscape items, and density and economic returns. The

- *Maximise the bush character of the southern parts of the site;*
- *Conserve the important dispositions of "Rippon Grange" and formal grounds moving across the site from east to west;*
- *Conserve the gardens and landscape setting that are intimately related to "Rippon Grange" and a crucial part of the heritage significance of the place".*

Clearly the location of the proposed buildings, have been chosen in accordance with the above issues, but the location of Building B1, B2 and Building C forms a considerable visual and physical 'band'

across the site that breaks the relationship of the more formal elements including the house, entry area and terraced gardens from the more informal bush areas to the south of the site and is considered unacceptable.

The HIS claims that the development is "generally" consistent with the curtilage recommendations and conservation guidelines in the CMP. However, upon examination this is not the case. Building B1, B2 and are not sited sufficiently south from Rippon Grange, they are considerably higher than the ridge of Rippon Grange and they obstruct major views across the site. The integrity of the significant buildings and landscape elements and their historic relationships is not maintained.

The HIS acknowledges there will be *"some impact on Rippon Grange and its setting to the south with the proposed apartments identified as B1 & B2...and the impact of buildings B1 & B2 results from their height and length relative to Rippon Grange"*.

The HIS justifies the non consistencies by commenting on the façade design of the apartment buildings claiming that the modulation of the façade, the setbacks of the upper level and the architectural treatment as pavilions, the use of materials and landscape all combine to subordinate and minimise the impact of the buildings on Rippon Grange. I can not support this view. In my opinion despite the architectural treatment, Buildings B1 & B2 form a substantial solid element on the site directly behind the main house, visually dominate it compromising the historic relationships of the house to its garden, particularly the links between the entry loop, the house and the series of outbuildings and garden elements. The location of the buildings on the service area side of Rippon Grange is considered appropriate, but the removal of visual corridors from north to south and physical links are inappropriate. Historically the service areas of the house had a strong association with earlier occupation of the site as a single residence, particularly the potting sheds, conservatory, water storage tanks, garage, stables, plunge pool and retained bushland.

The HIS claims that the relatively small footprints of the buildings have minimal impacts on the significance of the landscape. The concept of adding tall buildings with compact footprints to a site to minimise impact on the landscape and other buildings has proven to be unworkable in practice. For this site, the footprint of Buildings B1 & B2 is 2 to 3 times the footprint of the main house. The combined footprint of all new buildings on the site would have adverse impacts, particularly the views to the site from the entry loop.

It is claimed that the visual link through Building B1 resulting from openings at the ground floor level (the foyer area) maintains the relationship between the house and drive to the southern part of the site. In my opinion the open space (foyer area) is only a token attempt to retain an existing significant link and does not work. In my opinion the buildings (B1 & B2) should be physically separated and the location and size of both buildings needs to be amended to retain existing relationships.

The HIS claims that although Building F is located in the primary heritage area its impact is minimized by its domestic scale, its location below Rippon Grange and the retention of trees. It also claims that the interpretation of the relationship between Rippon Grange and the formal garden and landscape elements is not compromised. This is a view that is not supported and it is not understood how the conclusion has been reached. Despite the location of Building F being a considerable distance from the main building, its location on a corner makes it a very strong element in the site when perceived from the public realm and from the formal garden and landscape elements. The highly significant rustic shelter associated with the croquet lawn is to be relocated to allow development on this part of

the site. Relocation of the rustic shelter is not supported on conservation principles although the proposed reconstruction is supported as much of the existing fabric will be reused and its significance recovered.

The proposed changes to Rippon Grange itself will result in loss of areas identified as having significant fabric. The HIS justifies the negative impact by balancing the positive benefits from removal of intrusive fabric and reconstruction of earlier fabric that has been removed. While there is merit in the proposal, some alternative options should be considered. The insertion of a new stair in Room G2 is inappropriate as it is graded as high significance and its fabric is highly intact. An alternative location should be found. The provision of a new access route from the lower floor and a lift is considered acceptable provided the are a are recorded before the work commences.

NSW Heritage Council

The Heritage Council has taken a strong interest in the site since it was nominated by Council in 2001 for listing on the SHR. Several nominations have also been received. It is understood that the Heritage Council will consider listing of the site in the future.

Clause 61F of the KPSO requires Council to refer the application to the NSW Heritage Office as the application proposes demolition of several buildings and Council is of the opinion that the heritage significance of the site is adversely affected by the application.

Heritage Council considered the application at its meeting on 4 October 2006 and advised Council that the application as proposed is unacceptable. The advice included recommendations to amend the application (attached letters).

A Heritage Council subcommittee was also established to further consider the application and comments were received on 15/11/06. In summary the subcommittee recommended the following:

1. The use of the site is supported because it provides for conservation of the site in its setting and its long term management is single ownership.
2. Buildings B1 & B2 need to be reduced. The maximum height is the ridge of Rippon Grange.
3. Building B1 should be located further south so that it is in line with the northern wall of Building B2.

Conservation Principles

The Burra Charter is accepted as the guiding document in Australia for conservation practice. The following is relevant.

Article 2 Conservation and Management. – Places of cultural significance should be conserved. The aim of conservation is to retain cultural significance of a place.

Article 6. Burra Charter process. – The policy of managing a place must be based on an understanding of its cultural significance.

Article 7 Use. – A place should have a compatible use.

Article 8 Setting. – Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location. – The physical location of a place is part of its cultural significance. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

Article 15. Change. – Change may be necessary to retain cultural significance, but is undesirable where it reduces cultural significance. The amount of change to a place should be guided by the cultural significance of the place and its appropriate interpretation.

Article 20. Reconstruction. – Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce a earlier state of the fabric. In rare cases reconstruction may also be appropriate as part of a use or practice that retains cultural significance.

Article 21. Adaptation. – Adaptation is acceptable only where the adaptation has minimal impacts on the cultural significance of the place.

Article 22. New Work. – New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

Article 25. Interpretation. – The cultural significance of a place is not readily apparent, and should be explained by interpretation. Interpretation should enhance understanding and enjoyment and be culturally appropriate.

Conclusions and Recommendations

The application is not supported in its current form as it has substantial impacts on the significant buildings on the site, breaks up the garden setting and important spaces and elements in the garden.

There are positive elements to the proposal, including managing the whole of the existing site as one property rather than conventional subdivision. Many elements of the main house (such as timber shingle cladding) that have been removed or altered will be reconstructed. There is substantial repair and refurbishment to the main house and other significant buildings and restoration/reconstruction of the main terraced gardens, tennis court and croquet court. In my opinion the style of the new buildings is appropriate. They are contemporary and clearly reflect current living expectations. Demolition of the intrusive additions to the main house, the garage, part of the stables, the timber classrooms is acceptable however I do not agree that the small building to the east of the main house – brick children's classroom and playroom should be demolished. It has aesthetic value and should be retained as evidence of the former hospital use. The location of Building C & D is generally acceptable.

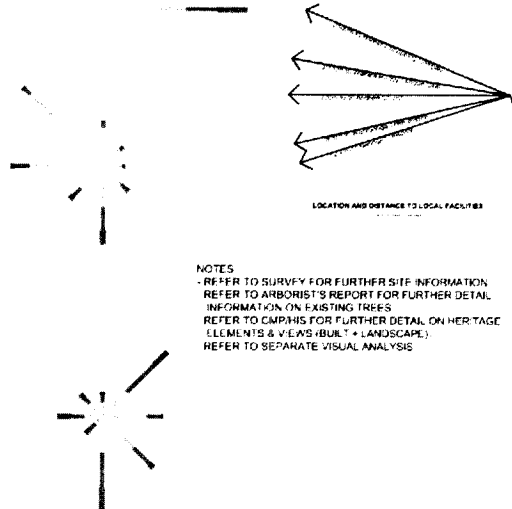
More specifically the proposed garage/port cohere element next to the entry loop is considered visually

intrusive. Building B1 & B2 are too high, dominate the main building and their location eliminates a view corridor over the garden and outbuildings from the entry area to the tall eucalypts along the southern boundary. Consistent with the policies in the Conservation Management Plan any new building on the site should be lower than the main ridge and should not visually dominate the site. The buildings, Building B1 & B2 are too close to the main house. The majority of the garden will be 'fractured' by the proposed buildings with important visual links and paths lost.

There are opportunities on the site for additional development, particularly in the location of Building C & D. There is also some opportunity to relocate or develop Building A further to the south provided significant trees are not affected.

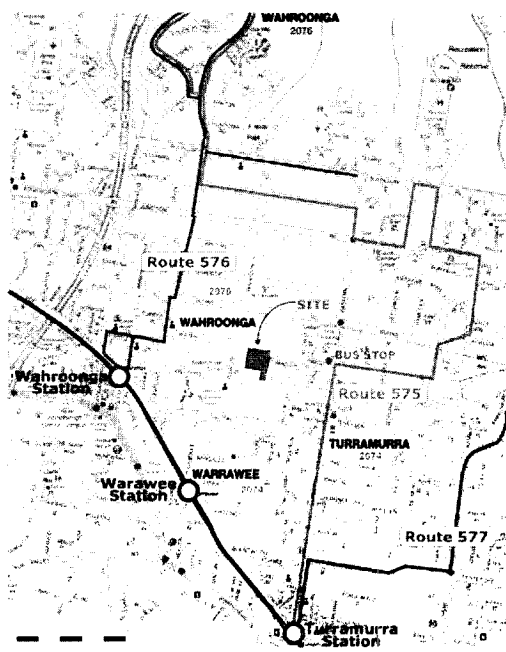
Some of the works intended to the main house are questionable, particularly removal of significant fabric at the south end of the building to introduce a new accessible entry and removal of significant elements and fabric in some of the rooms. In my opinion the proposed use of the main building may not be optimal but is acceptable. It could accommodate dwellings, particularly the upper floor which would put less pressure for new development on the site. However, on balance apart from the new stair in Room G2, the proposed changes to the main house are acceptable.

P Dignam
HERITAGE ADVISOR

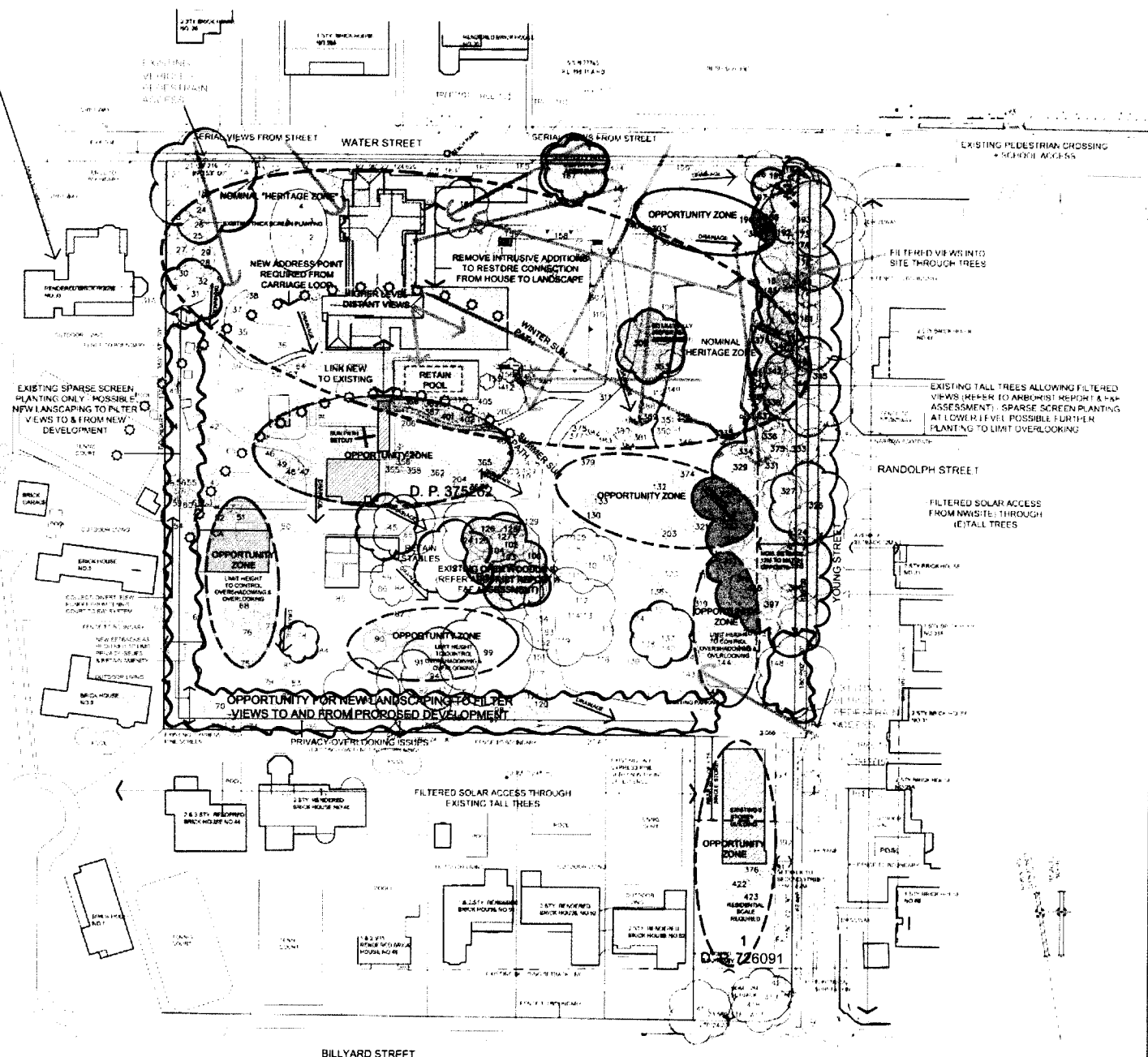


NOTES
 - REFER TO SURVEY FOR FURTHER SITE INFORMATION
 - REFER TO ARBORIST'S REPORT FOR FURTHER DETAIL INFORMATION ON EXISTING TREES
 - REFER TO CMPLHS FOR FURTHER DETAIL ON HERITAGE ELEMENTS & VIEWS (BUILT + LANDSCAPE)
 - REFER TO SEPARATE VISUAL ANALYSIS

WIND ROSES FOR 9AM (TOP) AND 3PM (BOTTOM) IN SYDNEY AS A YEARLY AVERAGE



MAP OF PUBLIC TRANSPORT ROUTES AND LOCAL AMENITIES



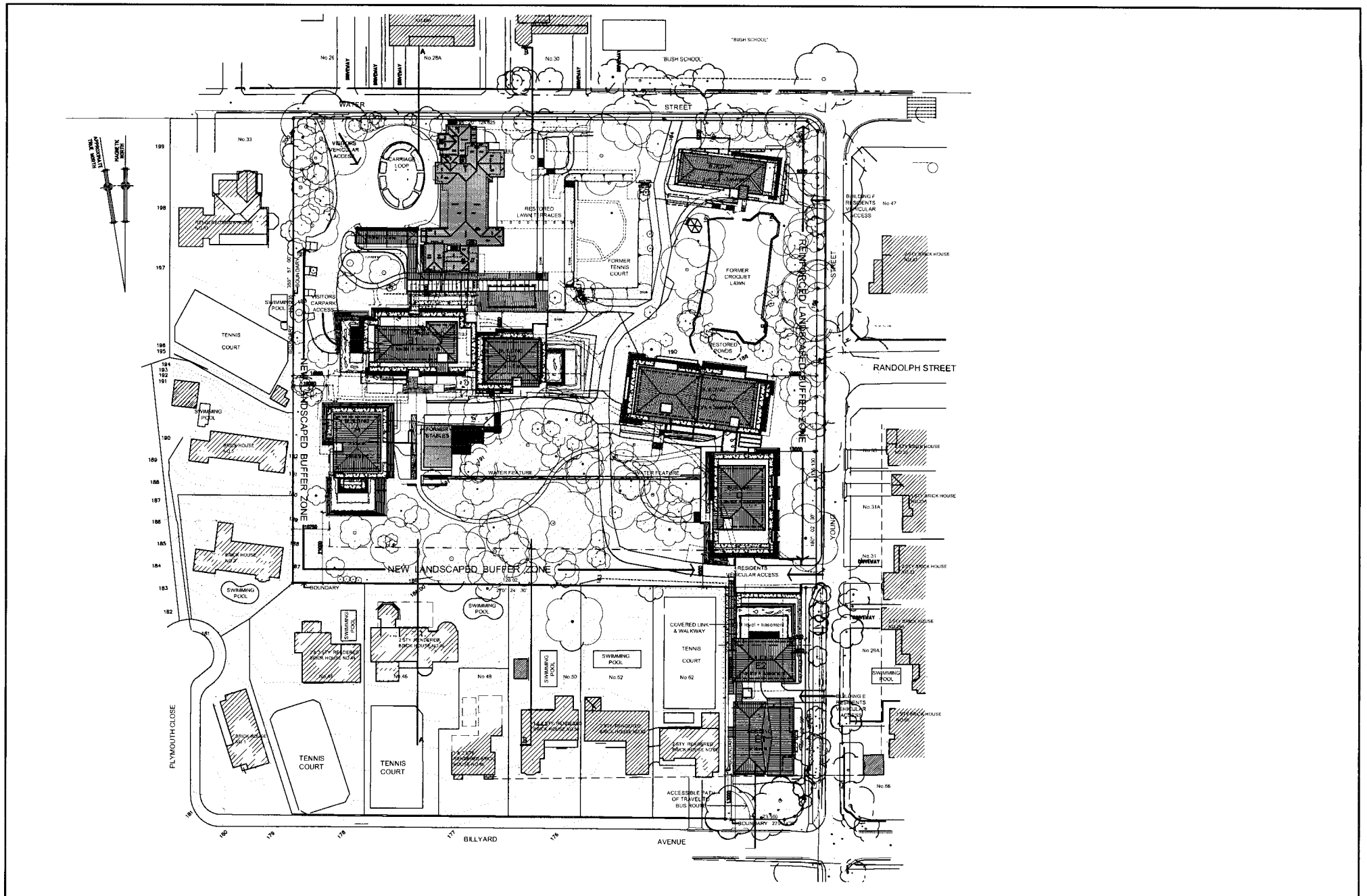
TANNER ARCHITECTS
 TANNER & ASSOCIATES PTY LTD
 1/111 FIVE STAR DRIVE
 1500 MOUNTAIN VIEW, NEWCASTLE
 NEWCASTLE NSW 2300
 Tel: 08 9521 1111
 Fax: 08 9521 1112
 Email: info@tannerarchitects.com.au




WATERBROOK
 MURLAN

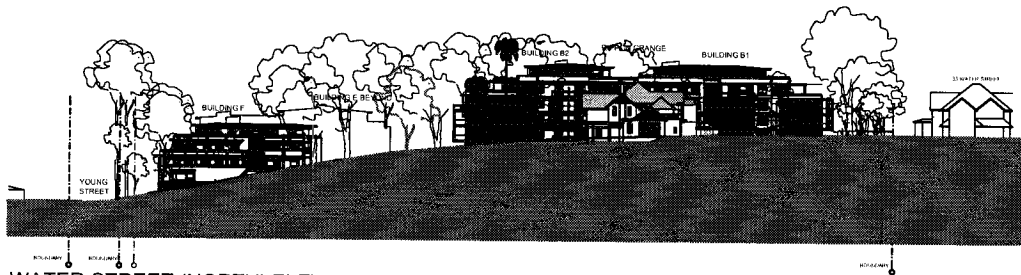
WATERBROOK AT WAHROONGA
 35 WATER ST. (LOT 1 DP 3/75262) &
 64 BILLYARD AVE (LOT 1 DP 726091)
 WAHROONGA
 WATERBROOK AT WAHROONGA

SITE ANALYSIS PLAN
 05 0831 A1 CMJ DE
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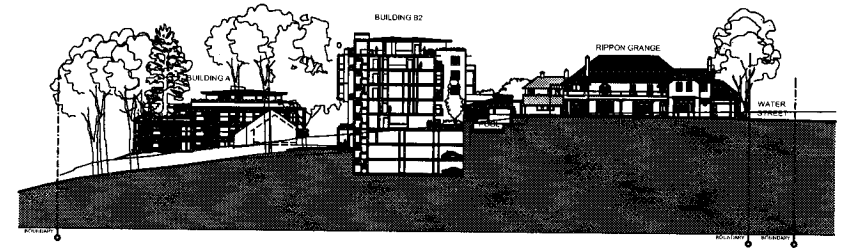
SCALE: 1:500
 DATE: JULY 2006
 DRAWN BY: CMJ
 CHECKED BY: DE
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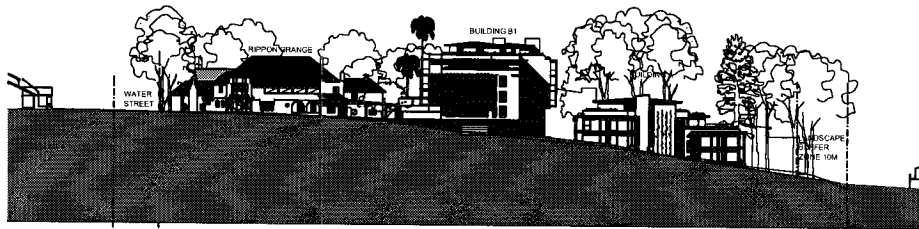
<table><tr><td colspan="2">REV</td><td>DATE</td><td colspan="2">DOCUMENT STATUS/AMENDMENT</td><td colspan="2">DRAWN</td><td>CHECKED</td><td>DATE</td><td colspan="2">REV</td><td>DATE</td><td colspan="2">DOCUMENT STATUS/AMENDMENT</td><td colspan="2">DRAWN</td><td>CHECKED</td><td>DATE</td></tr><tr><td colspan="2">A</td><td>2.08.2006</td><td colspan="2">04/13/2006</td><td colspan="2"></td><td></td><td></td><td colspan="2"></td><td></td><td colspan="2"></td><td colspan="2"></td><td></td><td></td><td></td></tr></table>												REV		DATE	DOCUMENT STATUS/AMENDMENT		DRAWN		CHECKED	DATE	REV		DATE	DOCUMENT STATUS/AMENDMENT		DRAWN		CHECKED	DATE	A		2.08.2006	04/13/2006																 NORTH		<div>PRINCIPAL CONSULTANT TANNER ARCHITECTS TANNER & ASSOCIATES PTY. LTD A.B.N. 77 061 209 992 52 ALBION STREET, BURRY HILLS SYDNEY, NSW 2015 Telephone: 61 2 9281 4399 Facsimile: 61 2 9281 4337 Email: info@tannerarchitects.com.au Copyright © Tanner & Associates Pty Ltd all rights reserved</div>		<div>WATERBROOK LIFESTYLE RESORTS </div>		<div>PROJECT WATERBROOK AT WAHROONGA 35 WATER ST (LOT 1 DP 375262) & 64 BILLYARD AVE (LOT 1 DP 726091) WAHROONGA CLIENT WATERBROOK AT WAHROONGA</div>		<div>DRAWING SITE & ROOF PLAN DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE. NOTIFY ARCHITECT OF ALL DISCREPANCIES.</div>		<div>SCALE 1:500 DATE JULY 2006</div>		<div>JOB NO 05 0831 SHEET NO A1 PROJ. DIR CMJ PROJ. ARCH DE</div>		<div>REV A DRAWN BY AR.DA.02</div>	
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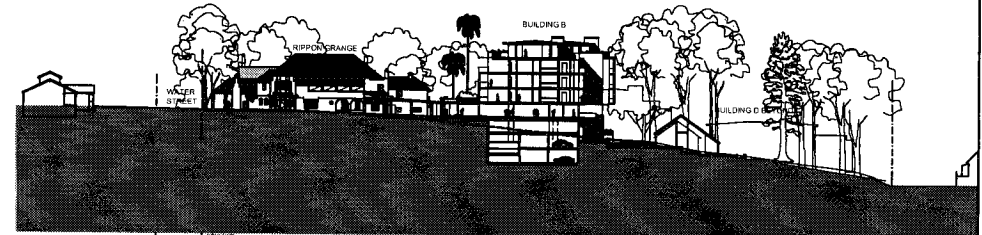
WATER STREET (NORTH) ELEVATION



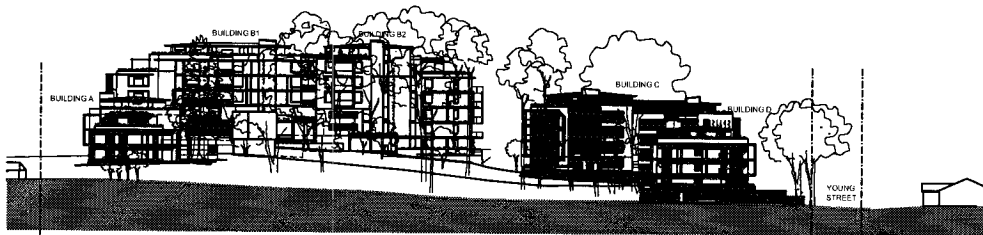
SITE SECTION B (LOOKING EAST)



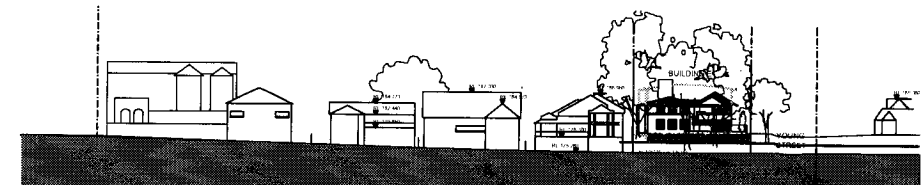
WEST ELEVATION



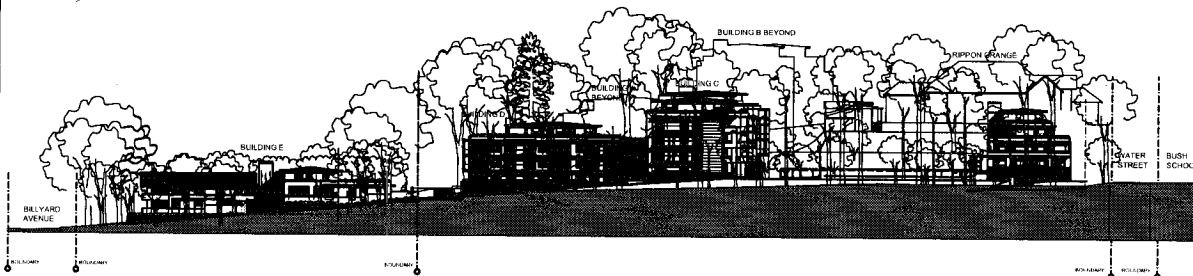
SITE SECTION A (LOOKING WEST)



SOUTH (BILLIARD) ELEVATION

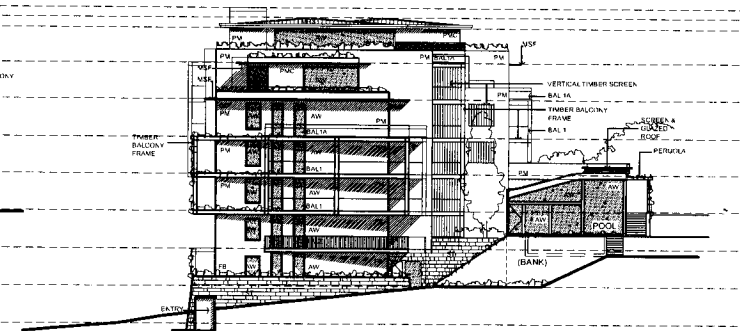


BILLIARD AVENUE (SOUTH) ELEVATION

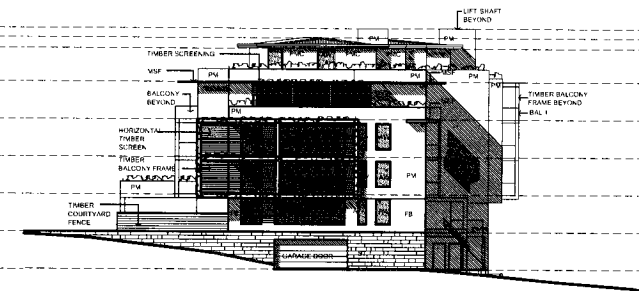


YOUNG STREET (EAST) ELEVATION

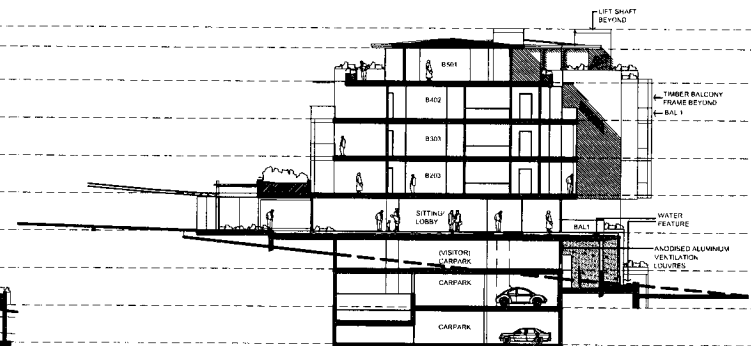
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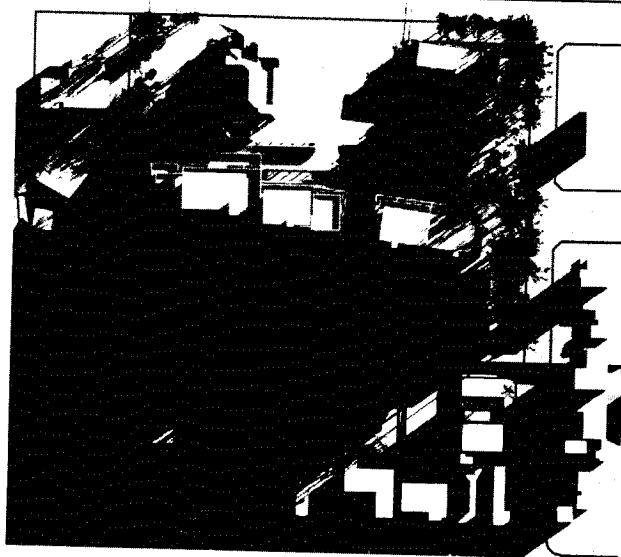
MAR 21/SEP 21: 9AM (Azimuth 53/69°, Altitude 9/26°)
SHADOW DIAGRAM



MAR/SEP 21: 12PM (Azimuth 26/20°, Altitude 53/53°)



MAR/SEP 21: 3PM (Azimuth 314/311°, Altitude 46/43°)



JUNE 21: 9AM (Azimuth 53°, Altitude 9°)
SHADOW DIAGRAM



JUNE 21: 12PM (Azimuth 15°, Altitude 31°)



JUNE 21: 3PM (Azimuth 328°, Altitude 25°)

REV	DATE	DOCUMENT STATUS/REVISION	DRAWN	VERIFIED	AUTH.	REV	DATE	DOCUMENT STATUS/REVISION	DRAWN	VERIFIED	AUTH.
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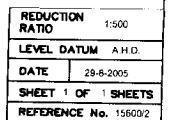
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TANNER & ASSOCIATES PTY LTD
A/RSN 77 881 200 500
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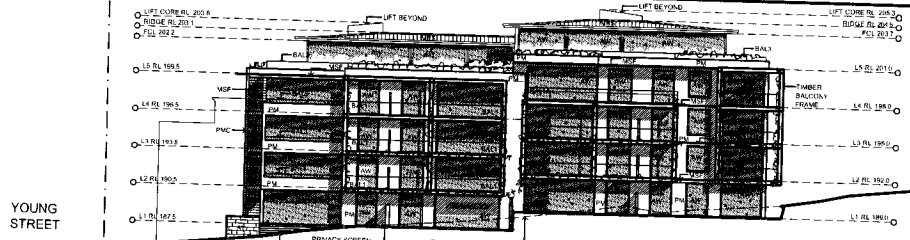


PROJECT: WATERBROOK AT WAHROONGA
35 WATER ST (LOT 1 DP 375262) &
64 BILLYARD AVE (LOT 1 DP 726091)
CLIENT: WAHROONGA
WATERBROOK AT WAHROONGA

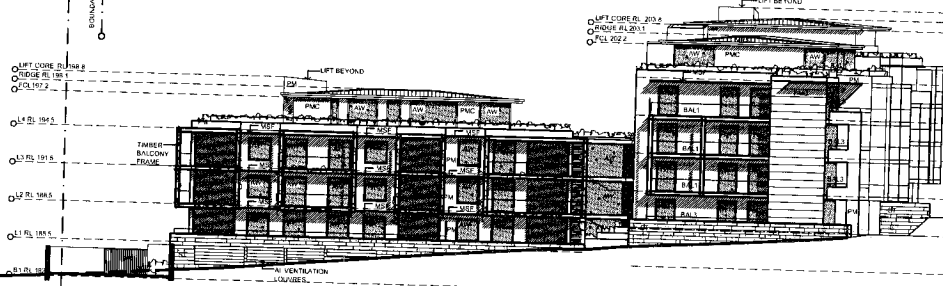
DRAWING: SHADOW DIAGRAMS
DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.
NOTIFY ARCHITECT OF ALL DISCREPANCIES.

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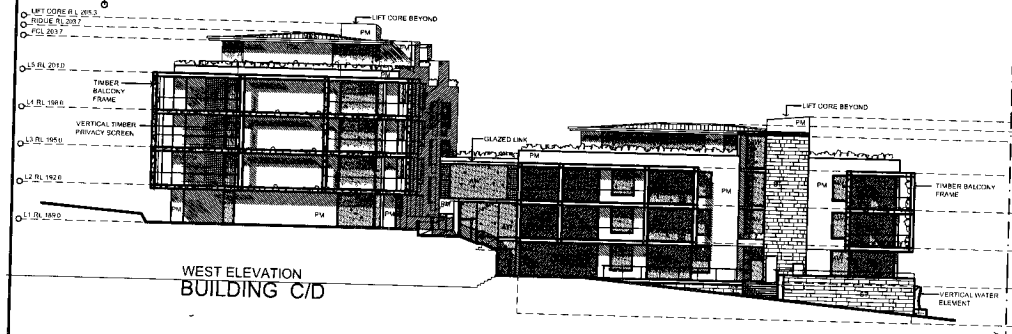




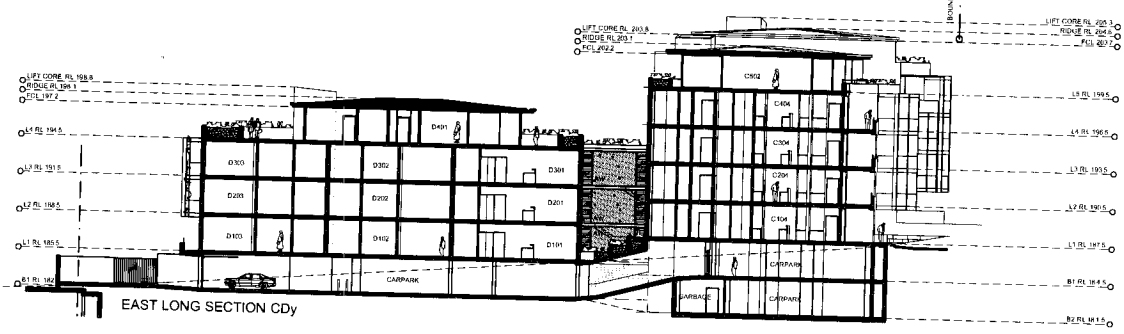
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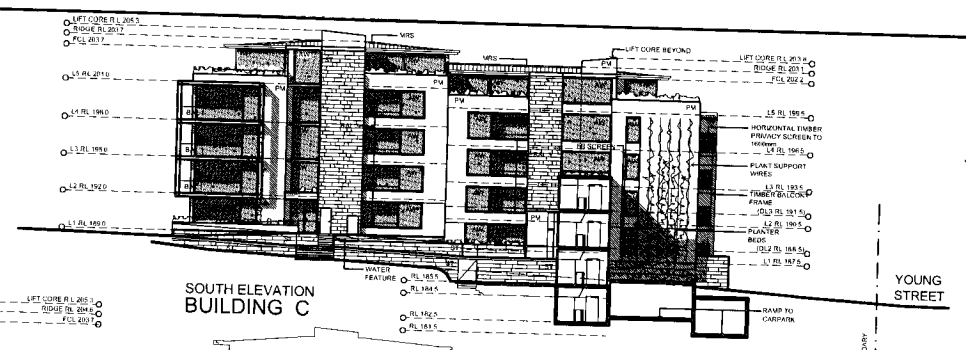
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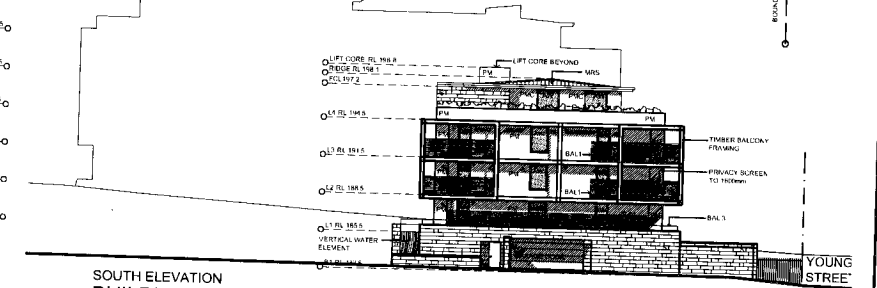
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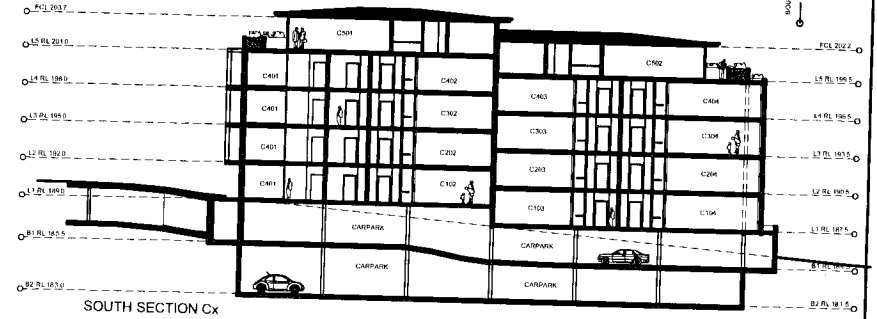
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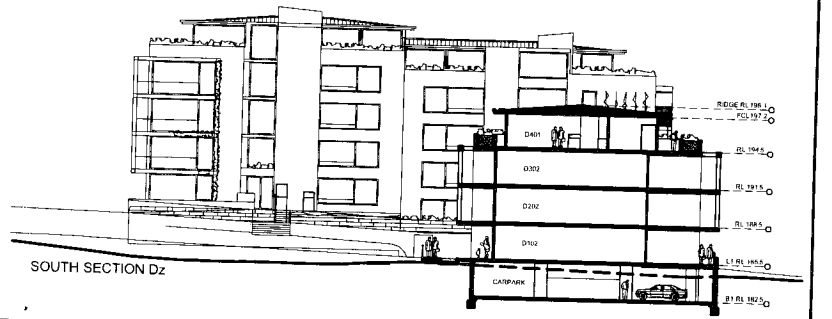
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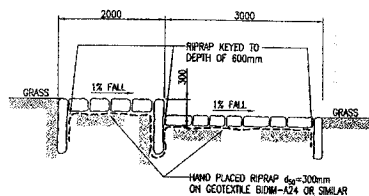


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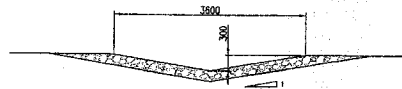


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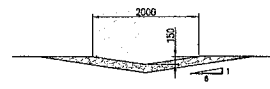
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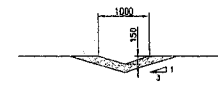
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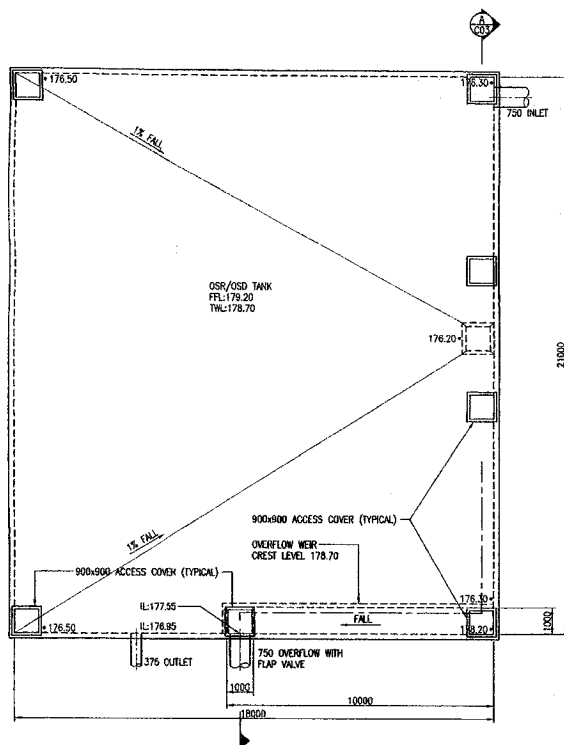
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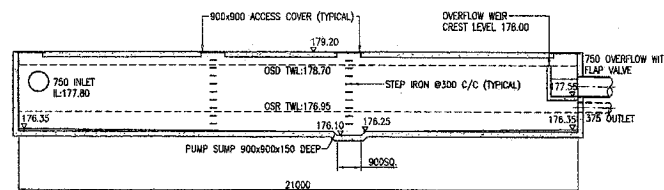
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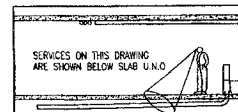
OSR/OSD TANK DETAIL

SCALE 1:100



SECTION A - A

NOTE
TANK'S INLET & OUTLET TO BE PROTECTED
WITH MOSQUITO PROOF MESH



Revision	Amendment	Date	Initial
A	D.A. SUBMISSION	13.07.08	ZO
P1	ISSUE FOR COMMENTS	23.05.08	ZO

Discipline	Dep. No.	Date	Revisions
ARCHITECTURAL	-	-	-
STRUCTURAL	-	-	-
Mechanical	-	-	-
ELECTRICAL	-	-	-

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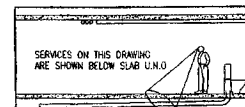
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**WATERBROOK RESIDENTIAL
DEVELOPMENT AT
35 WATER STREET &
64 BILLYARD AVENUE,
WAHROONGA**

Consultant
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INTERNATIONAL FIRE PROTECTION & CIVIL ENGINEERS SYDNEY

Drawing
CIVIL SERVICES
**LONGITUDINAL SECTION &
DETAILS**

Design	ZO	Drawn	JK
Date	APRIL 2006	Design Validated	MA
Sheet	0 OF 8	CA Approved	
Scale	1:100	Computer Drawn	
Job No.	0608-0008	Drawn	C05
		Issue	A

[illegible]

Reference Coordination Drawings			
Discipline	Dep. No.	Date	Revisions
ARCHITECTURAL	-	-	-
STRUCTURAL			
MEDICAL			
ELECTRICAL			

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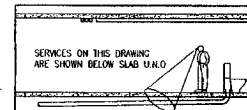
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AON 13 500 693 501
ABN 55 050 9001

HYDRAULIC LINE PROTECTION COILS AVAILABLE. HYDNEY

Drawing CIVIL SERVICES
SEDIMENT & EROSION
CONTROL PLAN -
NORTH

Design	20	Drawn	JK
Date	APRIL 2006	Design Validated	MA
Sheet	7 OF 8	SA Approved	
Scale	1:250	Computer Draw No.	
Job No.	0608-0008	Draw No.	C06
		Issue	A

[illegible]

A	D.A. SUBMISSION	13.07.06	20
P1	ISSUE FOR COMMENTS	23.06.08	20
Revision	Amendment	Date	Initials

Reference Coordination Drawings				
Discipline	Draw. No.	Date	Revisions	
ARCHITECTURAL	--	--		
STRUCTURAL				
Mechanical				
ELECTRICAL				

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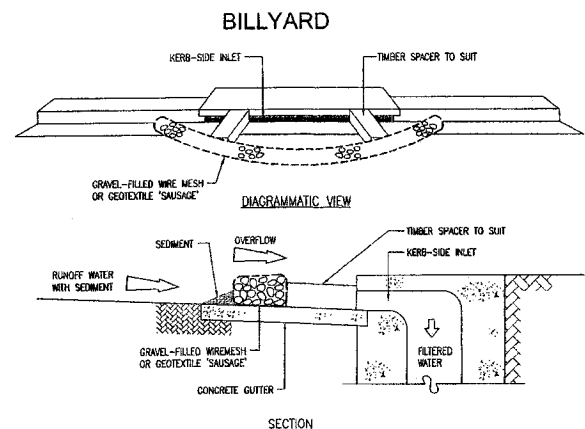
HYDRAULIC, FIRE PROTECTION & CIVIL ENGINEERS **STONEY**

Drawing CIVIL SERVICES
SEDIMENT & EROSION
CONTROL PLAN -
SOUTH

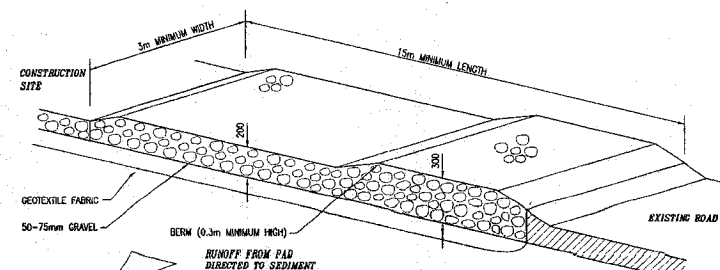
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Date	APRIL 2006	Design Validated	MA
Sheet	8 OF 8	QA Approved	
Scale	1:250	Computer Desg.No.	
Job No.	0608-0008	Drawg No.	C07
		Issue	A

0608-0008	CU1	A
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- ### CONSTRUCTION NOTES
1. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT.
 2. FILL THE SLEEVE WITH 25mm to 50mm GRAVEL.
 3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 1500mm HIGH x 400mm WIDE.
 4. PLACE THE FILTER AT THE OPENING OF THE KERB INLET LEAVING A 100mm GAP AT THE TOP TO ACT AS AN EMERGENCY SPILLWAY.
 5. MAINTAIN THE OPENING WITH SPACER BLOCKS.
 6. FORM A SEAL WITH THE KERBING AND PREVENT SEDIMENT BYPASSING THE FILTER.
 7. FIT TO ALL KERB INLETS AT SAG POINTS



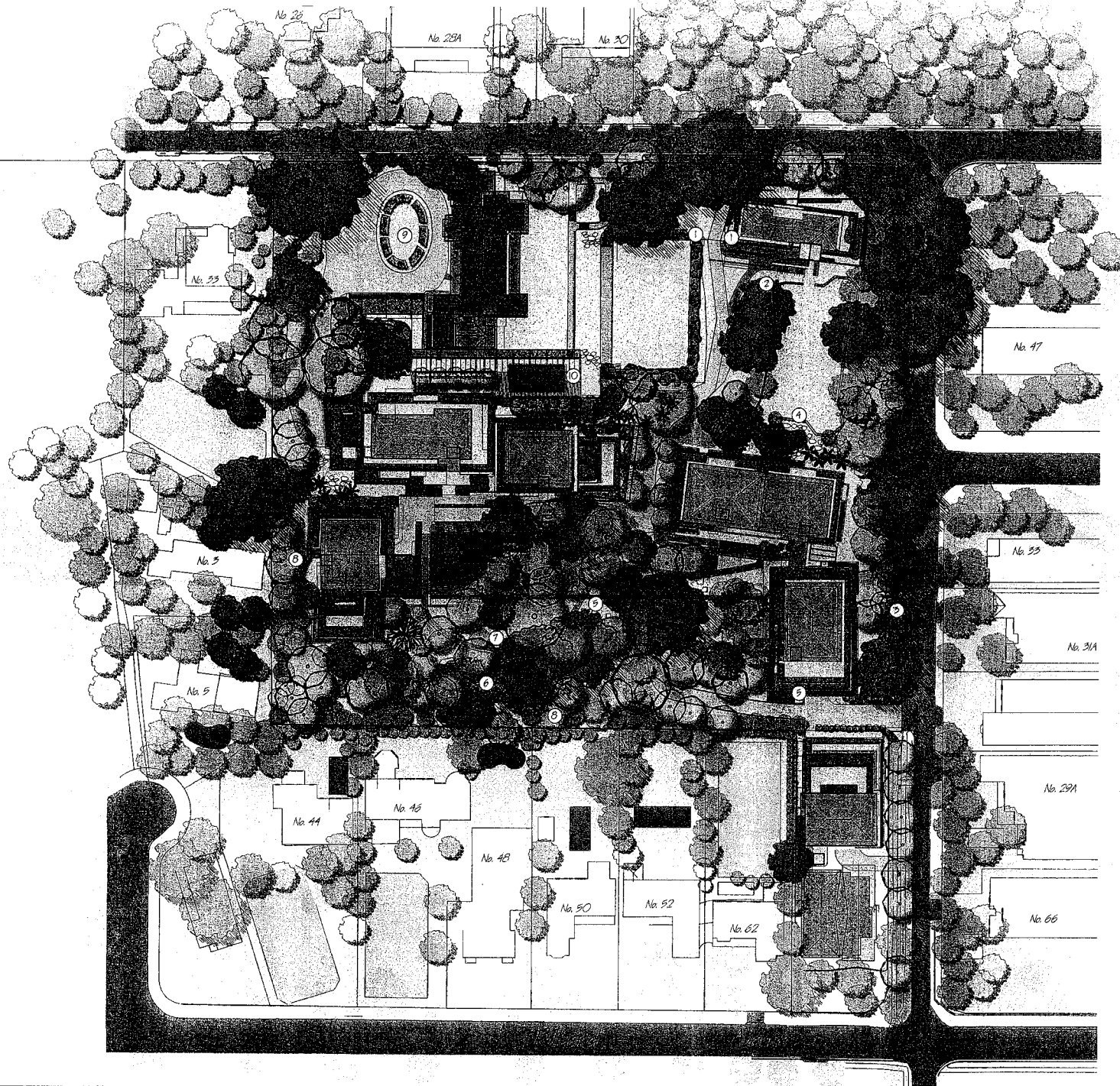
MESH AND GRAVEL INLET FILTER
NOT TO SCALE



TEMPORARY CONSTRUCTION EXIT
NOT TO SCALE

LEGEND

- 1 Arbor retained and conserved
- 2 Gazebo - reconstructed
- 3 Trees maintained along Young Street
- 4 Restored fishpond
- 5 Water feature and rill
- 6 New boundary planting - retaining existing trees
- 7 Sculpture walk through refurbished Blue Gum High Forest
- 8 Screen planting to boundary
- 9 Ornamental garden to existing round-about
- 10 Swimming pool



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project
35 WATER STREET, WAHROONGA

drawing title
LANDSCAPE MASTERPLAN

client
WATERBROOK AT WAHROONGA

scale: 1:500 @ A1 checked: DMT drawing no: 1541575
 date: 21.07.2008 job no: 1541575
 drawn: RL design: DMT

LA.DA.01 - A

21.07.2008
 Date



EXISTING BULKY GUM HIGH FOREST MANAGEMENT AREA REVEGETATED AS BUSHLAND COMPOSED OF CANOPY, UNDERSTORY AND GROUNDCOVERS WITH SPECIES AS IDENTIFIED ON SHEET LA DA 05

RL 216.10

RL 213.30

RL 213.30

RL 208.65

EXISTING LILLY PALLY AND LIQUIDAMBAR TREE SPECIES RETAINED

NEW MASS PORCH/PAVILION

EXISTING NIPPON GRANGE BUILDING

NEW MASS PORCH/PAVILION

PORTA LOCKER/STO WATER STREET ENTRY

WATER STREET VEHICLE ENTRY

WATER STREET (NORTH) ELEVATION

1:200

BOUNDARY

—SUPPLEMENT EXISTING TREES

SYNCARPIA GLOMULIFERA
TREE PLANTING TO BGHF
REVEGETATION AREA
MATURE HEIGHT 8-12m

LIQUIDAMBAR TO ADJACENT PROPERTY

CONIFERS TO WESTERN
BOUNDARY OF
OCEANIC AND

EUCALYPT TREE TO ADJACENT
PROPERTY-

R1 18728

RL 188.68

BILLYARD AVENUE

AS BGNF BUSHLAND, PLANTED WITH SPECIES AS NOTED ON SHEET LA.DA.05	WITH MASSES OF NITELAEA, LOMANDRA AND DIANELLA GROUNDCOVERS
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PLANTING

YOUNG STREET (EAST) ELEVATION
1:200

NOTE: STREET TREES NOT SHOWN FOR CLARITY PURPOSES

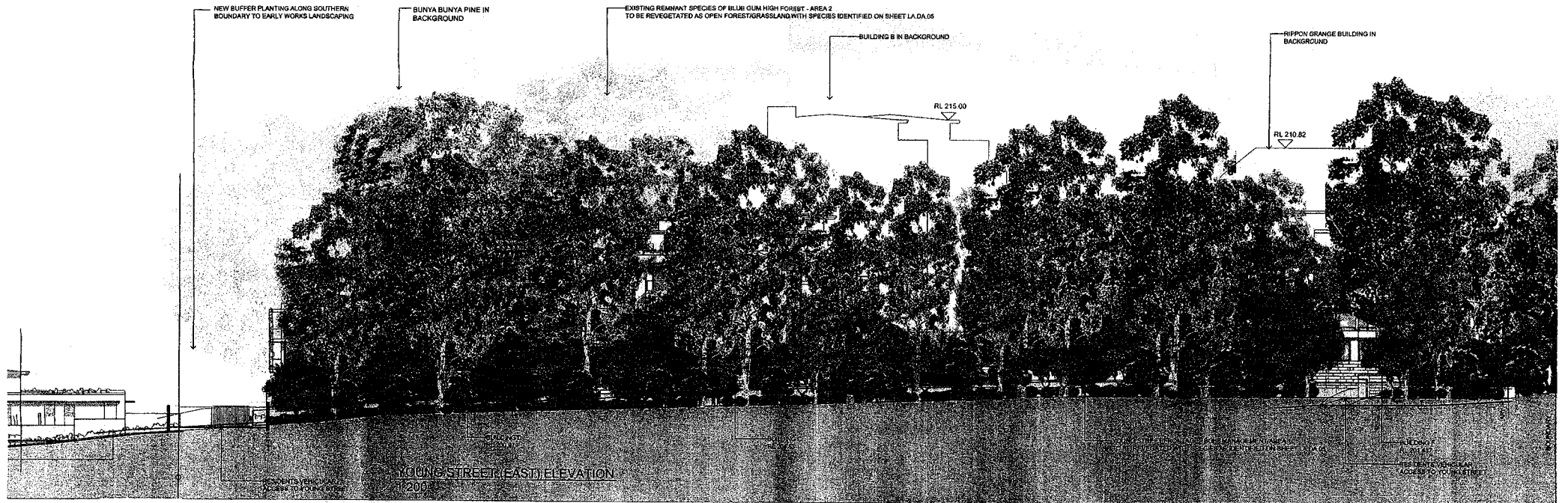
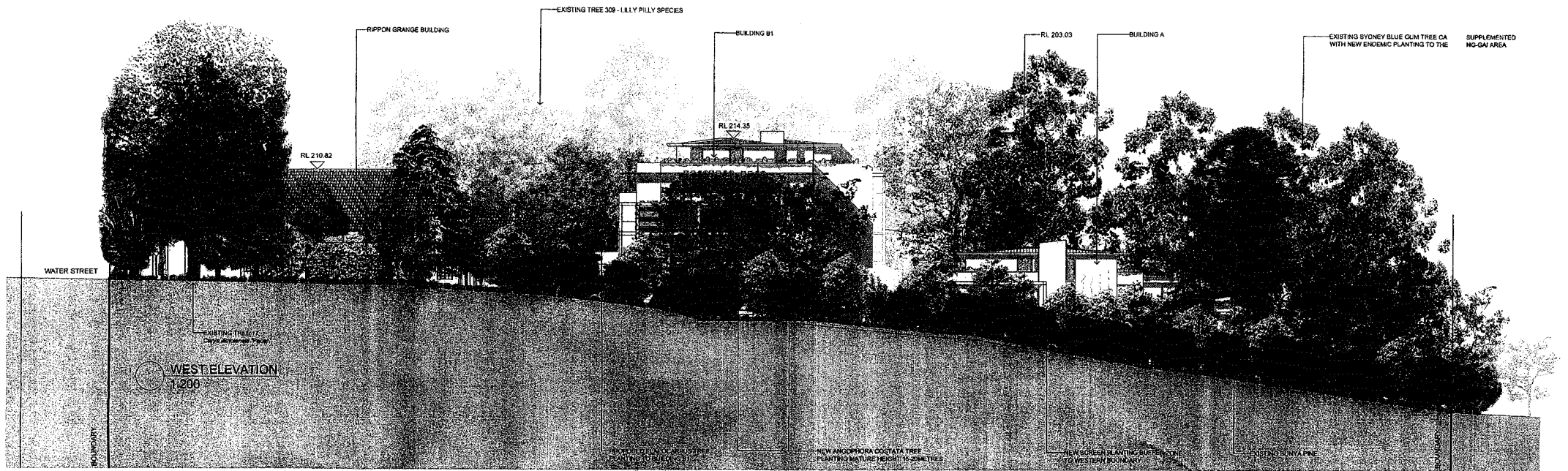
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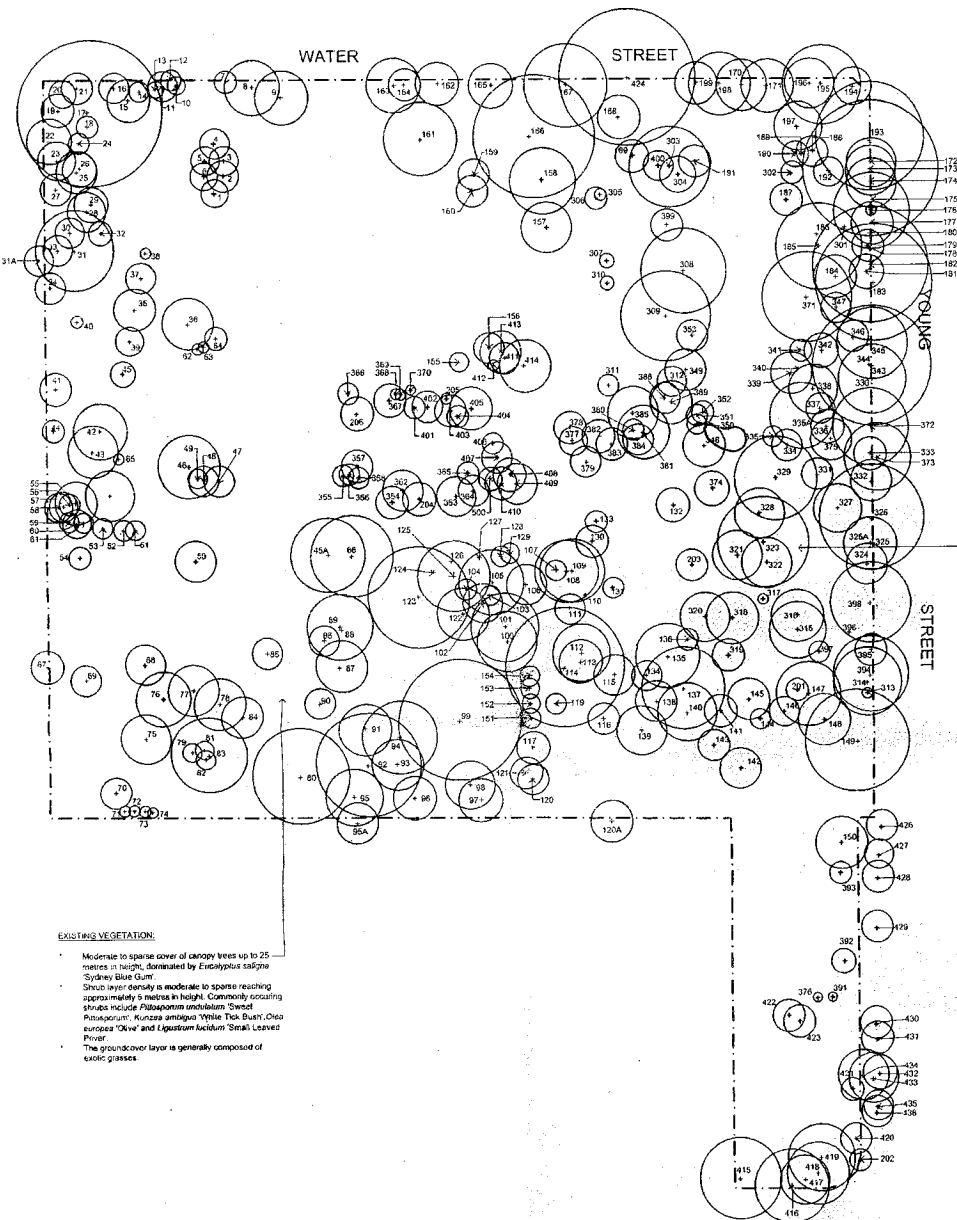
31.07.2006
Date

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taylor brammer

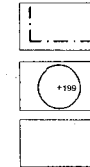
architect
WATERBROOK AT WAHROONGA

scale: 1:200@A1	checked DMF	drawing no:	revision:
date: 31.07.2006	job no: 05-1678		
drawn: RL	designed: DMF	LA.DA.02	A





LEGEND



SITE BOUNDARY

EXISTING TREE

BLUE GLIST HIGH FOREST (total area = approx. 2,850 square metres)
Reference: Mapped native vegetation communities (NPWS) in Flora
and Fauna Assessment (18 May 2005) prepared by Urban Ecosystem
Management Consultants Pty Ltd

NOTE: FOR REFERENCE TO TREE NUMBERS REFER TO PLANT SCHEDULE REPORT AS
PREPARED BY Tree Wise Men Australia Pty Ltd (dated: 16th Jan 2006)

EXISTING VEGETATION

- Moderate to sparse cover of canopy trees up to 25 metres in height, dominated by *Eucalyptus saligna* 'Sydney Blue Gum'
- Shrub layer density is moderate to sparse reaching approximately 5 metres in height. Commonly occurring shrubs include *Philopodium undulatum* 'Sweet Philopodium', *Kunzea ambigua* 'Yellow Tick Bush', *Olea europaea* 'Olive' and *Ligustrum lucidum* 'Small Leaved Privet'
- The groundcover layer is generally composed of exotic grasses

EXISTING VEGETATION

- Moderate to sparse cover of canopy trees up to 25 metres in height, dominated by *Eucalyptus saligna* 'Sydney Blue Gum'
- Shrub layer density is moderate to sparse reaching approximately 5 metres in height. Commonly occurring shrubs include *Philopodium undulatum* 'Sweet Philopodium', *Kunzea ambigua* 'Yellow Tick Bush', *Olea europaea* 'Olive' and *Ligustrum lucidum* 'Small Leaved Privet'

EXISTING SITE KEY PLAN
1:500 @ A1



A Development Application
11/11/01 Description

31.07.2006
Date

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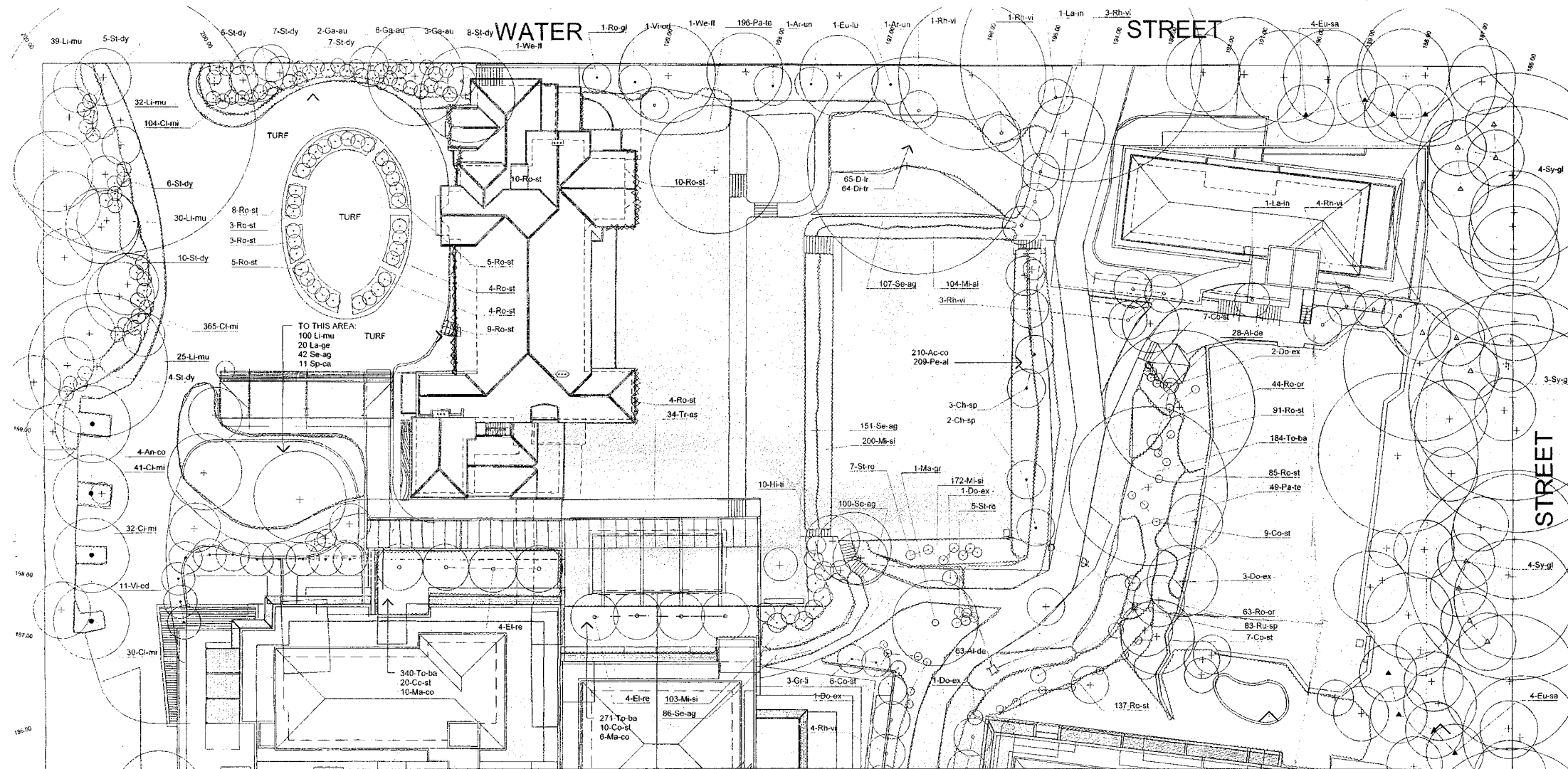
Project:
35 WATER STREET, WAHROONGA

Drawing title:
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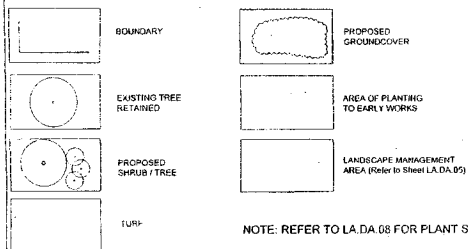
Architect:
WATERBROOK AT WAHROONGA

Scale: 1:500 @ A1
Date: 31.07.2005
Drawn: RL
Checked: DM
Job no: 99-1872
Drawing no: 10/10/05
Design: DM
LA.DA.04 A





LEGEND



NOTE: REFER TO LA, DA.08 FOR PLANT SCHEDULE

JOINS SHEET LA.DA.07

FOR SHRUB AND GROUND COVER
PLANTING TO THIS AREA REFER TO
SHEET LA.DA.05

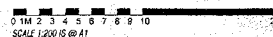
EXISTING FISHPOND REFURBISHED
SUPPLEMENTARY PLANTING CONSISTING
OF TRANSPLANTED SPECIES:
Camellia sasanqua
Phoenix Palm
Rhododendron's
Cyathea australis
Strelitzia nicolai

A	Development Application
Interd	Development

31.07.2008
Date

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project.
35 WATER STREET, WAHROONGA

drawing title:
LANDSCAPE PLANarchitect
WATERBROOK AT WAHROONGA

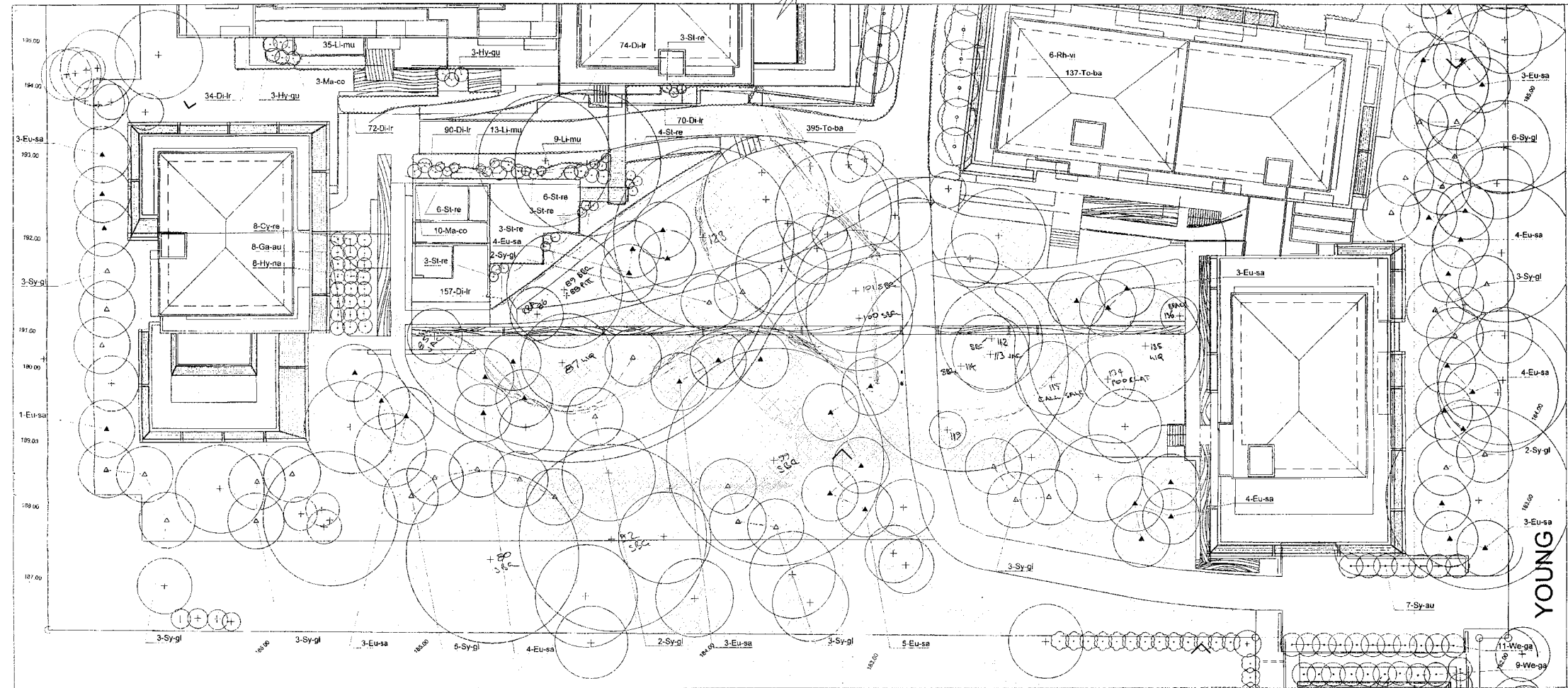
scale: 1:200 @ A1 checked DMT drawing no: revision:
date: 31.07.2006 job no: 03-1678 **LA.DA.06 A**
drawn: RL designed: DMT



PLANTING TO THIS AREA CONSISTING OF TRANSPLANTED SPECIES,
INCLUDING Rhododendrons, Strelitzia reginae, and Cyathea australis.

JOINS SHEET LA.DA.06

FOR PLANTING TO THIS AREA REFER TO SHEET LA.DA.05



LEGEND

	BOUNDARY		PROPOSED GROUNDCOVER
	EXISTING TREE RETAINED		AREA OF PLANTING TO EARLY WORKS
	PROPOSED SHRUB / TREE		LANDSCAPE MANAGEMENT AREA (Refer to Sheet LA.DA.05)
	TURF	NOTE: REFER TO LA.DA.06 FOR PLANT SCHEDULE	

FOR PLANTING TO THESE AREAS REFER TO SHEET LA.DA.05

EXISTING JUNIPER HEDGE TO ADJACENT PROPERTY NO.62

JOINS SHEET LA.DA.08

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0 1M 2 3 4 5 6 7 8 9 10
SCALE 1:200 IS @ A1

project:
35 WATER STREET, WAHROONGA

drawing title:
LANDSCAPE PLAN

architect:
WATERBROOK AT WAHROONGA

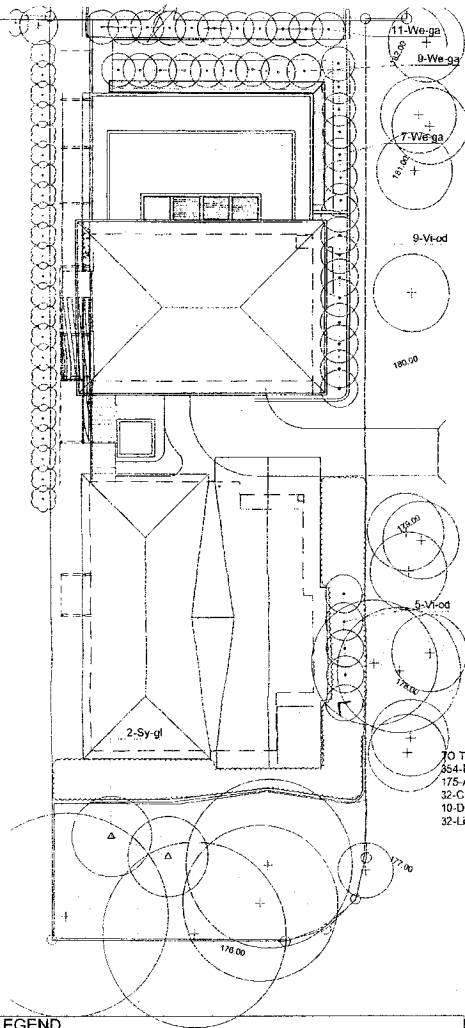
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A Development Application
Issue Description

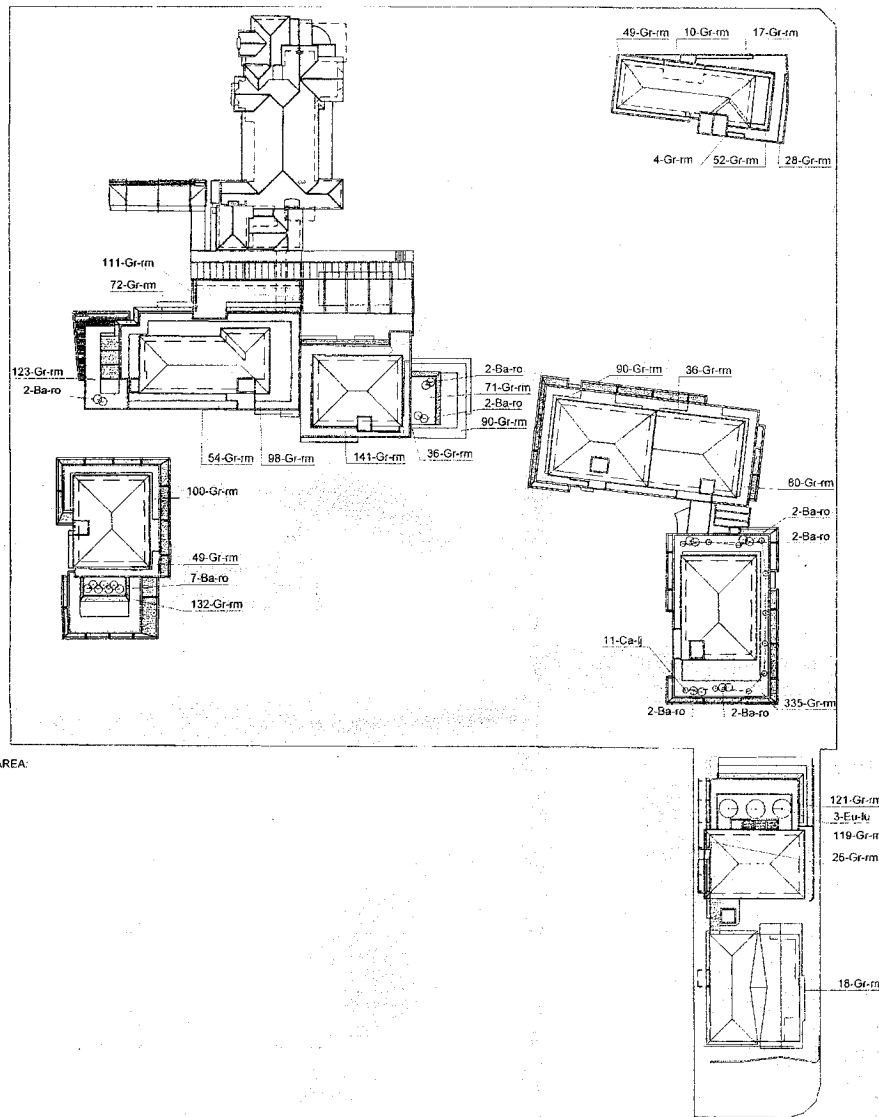
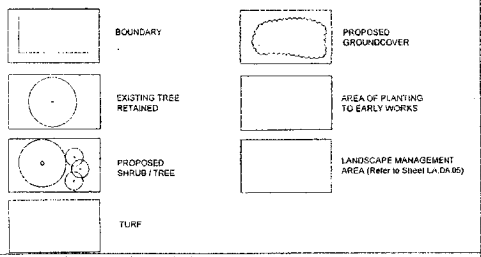
31.07.2006
Date



JOINS SHEET LA.DA.07



LEGEND

ROOFTOP PLANTING PLAN
SCALE 1:500

PLANT SCHEDULE

ID	Botanical Name	Common Name	Mature Height	Scheduled Size	Quantity
TREES					
An-co	<i>Angophora costata</i>	Smooth-barked Apple	>15 - 25m	100L	0
Ar-un	<i>Arbutus unedo</i>	Irish Strawberry Tree	>5 - 10m	15L	2
El-re	<i>Eleocharis reticulata</i>	Blueberry Ash	>5 - 10m	75L	8
Eu-lu	<i>Eucalyptus lucida</i>	Leatherwood	>5 - 10m	15L	1
Eu-en	<i>Eucalyptus saligna</i>	Sydney Blue Gum	>15 - 25m	15-200L	52
La-in	<i>Lagerstroemia indica</i> sp	Crape Myrtle	>5 - 10m	100L	2
Ma-gr	<i>Magnolia grandiflora</i>	Southern Magnolia	>10 - 15m	200L	1
Sy-gl	<i>Syncarpia glomulifera</i>	Turpentine	>15 - 25m	25-100L	48
SHRUBS					
Ca-ga	<i>Canna x generalis</i>	Canna	>90 - 150cm	5L	1920
Ch-sp	<i>Chaenomeles speciosa</i>	Flowering Quince	>3 - 5m	25L	5
Co-st	<i>Cordyline stricta</i>	Australian Cabbage Tree	>150cm - 3m	5L	91
Cy-re	<i>Cycas revoluta</i>	Japanese Fern Palm	>150cm - 3m	5L	8
Do-al	<i>Dorstenia excelsa</i>	Gynura Lily	>3 - 5m	15L	18
Ge-au	<i>Gardenia augusta</i>	Gardenia	>150cm - 3m	15L	19
Gr-li	<i>Gravillea linearifolia</i>	Linear-leaf Grevillea	>150cm - 3m	15L	3
Hi-li	<i>Hibiscus tiliaceus</i>	Cottonwood, Beach Hibiscus	>3 - 5m	15L	10
Hy-na	<i>Hymenocallis narcissiflora</i>	Spider Lily	>45 - 60cm	5L	8
Hy-qu	<i>Hydrangea quercifolia</i>	Oak-Leaved Hydrangea	>150cm - 3m	15L	6
Li-mu	<i>Liriope muscari</i>	Big Blue Lily Turf	>30 - 45cm	5L	9
Ma-co	<i>Macrotomia communis</i>	Burrawang	>90 - 150cm	15L	29
Pa-te	<i>Pachysandra terminalis</i>	Pachysandra terminalis	<=30cm	300mm	196
Rh-vi	<i>Rhododendron</i>	Rhododendron	<=3 - 5m	75L	22
Ro-gl	<i>Rothmannia globosa</i>	Rothmannia globosa	>3 - 5m	15L	1
Ro-sl	<i>Roses standard var.</i>	Iceberg	>90 - 150cm	15L	241
Se-ag	<i>Sedum spectabile</i>	Autumn Glory	>90 - 150cm	5L	42
Sp-ca	<i>Spiraea cantoniensis</i>	Flora Pieno	>150cm - 3m	5L	11
St-dy	<i>Strobilanthes anisophyllus</i>	Goldfussia	>75 - 80cm	15L	52
St-re	<i>Streptocarpus reginae</i>	Bird of Paradise	>90 - 150cm	5L	40
Sy-au	<i>Syzygium 'Aussie Southern'</i>	Syzygium	>3 - 5m	15L	7
Vi-od	<i>Viburnum odoratissimum</i>	Sweet Viburnum	>3 - 5m	45L	26
We-fl	<i>Weigela florida</i>	Old Fashioned Weigela	>150cm - 3m	45L	2
We-ga	<i>Westringia 'Wyn Gabbie Gem'</i>	Rosemary	>90 - 150cm	15L	27
GROUNDCOVERS					
Ac-co	<i>Acacia cognata</i>	River Wattle	>30 - 45cm	45L	210
Al-de	<i>Athanasia dentata</i>	Exhibition Border	<=30cm	300mm	266
Cl-mi	<i>Clivia minata</i>	Kaffir Lily	>30 - 45cm	5L	572
Di-tr	<i>Dianella 'Little Rev'</i>	Dianella	<=30cm	300mm	562
Di-tr	<i>Dianella tasmanica 'Tas Reef'</i>	Dianella	<=30cm	300mm	418
Li-mu	<i>Liriope muscari</i>	Big Blue Lily Turf	>30 - 45cm	5L	274
Mi-si	<i>Miscanthus sinensis</i>	Japanese Silver Grass	<=30cm	5L	579
Pa-te	<i>Pachysandra terminalis</i>	Pachysandra terminalis	<=30cm	300mm	49
Pe-al	<i>Pennisetum alopecuroides</i>	Fountain Grass	<=30cm	150mm	209
Ro-or	<i>Dendrobium sp.</i>	Rock orchid	<=30cm	300mm	107
Ro-sl	<i>Roses standard var.</i>	Iceberg	>90 - 150cm	15L	137
Ru-sp	<i>Russelia equisetiformis</i>	Coral Plant	>45 - 60cm	150mm	83
Se-ag	<i>Sedum spectabile</i>	Autumn Glory	>90 - 150cm	5L	444
To-ba	<i>Todea barbara</i>	King Fern	<=30cm	300mm	1327
Tr-ss	<i>Trichostema apiculatum</i>	Star Jasmine	<=30cm	300mm	34

ROOFTOP PLANT SCHEDULE

ID	Botanical Name	Common Name	Mature Height	Scheduled Size	Quantity
SHRUBS					
Ba-ro	<i>Banksia robus 'Bridalway Candles'</i>	Swamp Banksia	>90 - 150cm	15L	21
Ca-lj	<i>Callistemon 'Little John'</i>	Bottlebrush	>75 - 90cm	15L	11
Eu-lu	<i>Eucalyptus lucida</i>	Leatherwood	>5 - 10m	15L	3
GROUNDCOVERS					
Gr-rm	<i>Grevillea 'Royal Mantle'</i>	Grevillea	<=30cm	150mm	2062

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35 WATER STREET, WAHROONGA

drawing title:
LANDSCAPE PLAN

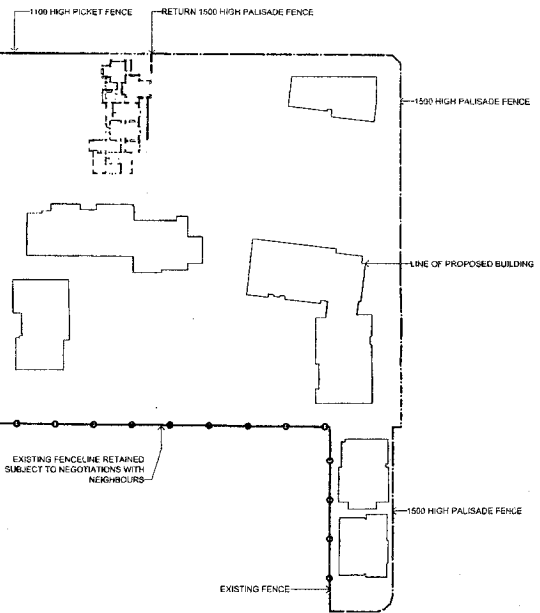
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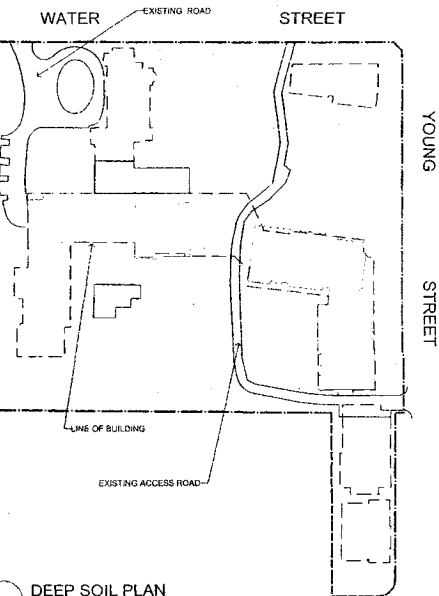
A. Designpoint Application
 Designpoint

31.07.2008
 Date









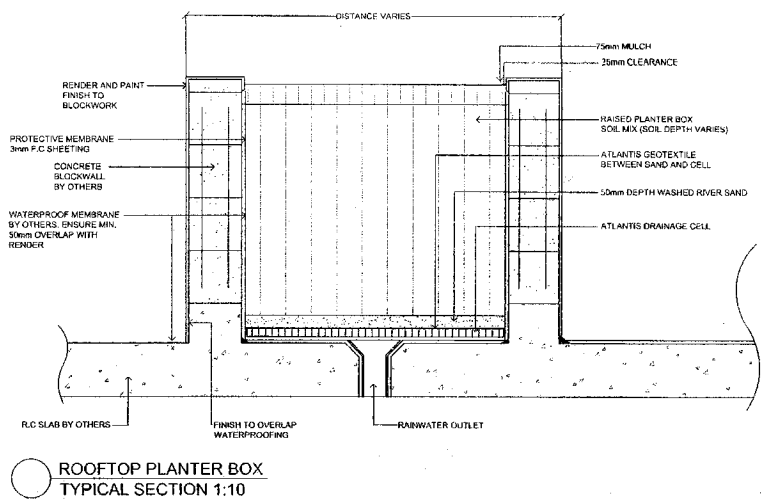
FENCING TYPES PLAN
1:1000



DEEP SOIL PLAN
1:1000

LEGEND

-  BOUNDARY LINE
-  LINE OF SLAB UNDER
-  AREA OF DEEP SOIL
-  LINE OF BUILDING



ROOFTOP PLANTER BOX
TYPICAL SECTION 1:10

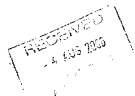
2018 01 05 05 724 503
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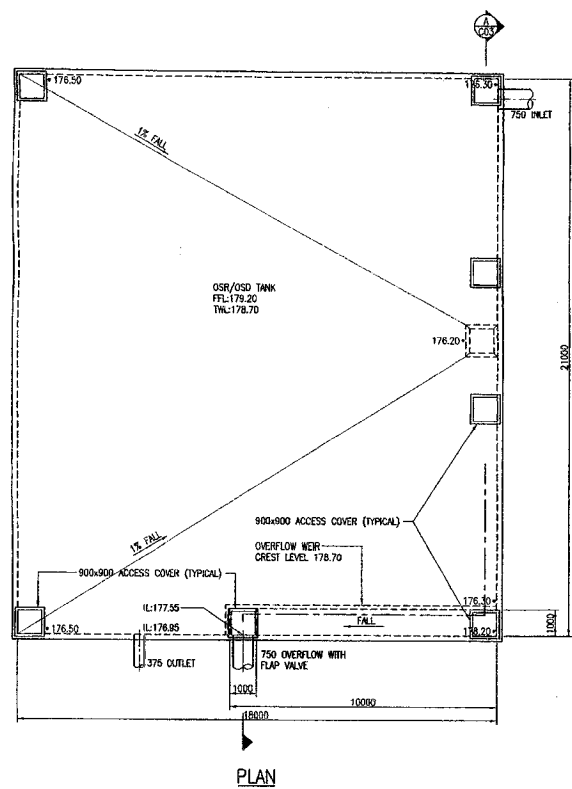
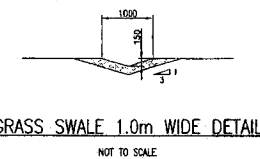
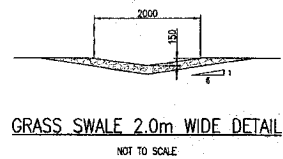
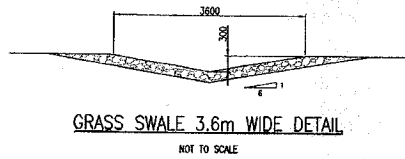
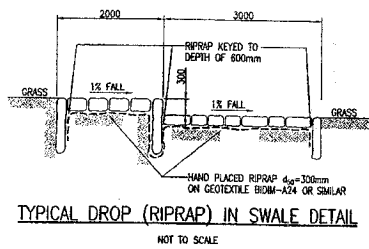


project:
35 WATER STREET, WAHROONGA
 drawing title:
DETAIL PLAN

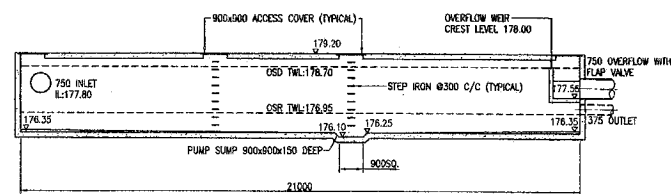
architect:
WATERBROOK AT WAHROONGA
 asin: as shown checked: DMT drawing no: 05/16/2 rev/desc:
 date: 31.07.2018 job no: 05/16/2 designed: DMT
 drawn: RL **LA.DA.09' A**

A: Development Approval
 Date: 31.07.2018





OSR/OSD TANK DETAIL
SCALE 1:100



NOTE
TANK'S INLET & OUTLET TO BE PROTECTED
WITH MOSQUITO PROOF MESH

SERVICES ON THIS DRAWING
ARE SHOWN BELOW SLAB U.N.O.

Revision	Amendment	Date	Initial
A	D.A. SUBMISSION	13.07.06	ZO
P1	ISSUE FOR COMMENTS	23.05.06	ZO

Discipline	Dep. Mtr.	Date	Revisions
MECHANICAL	-	-	-
ELECTRICAL	-	-	-
PLUMBING	-	-	-
STRUCTURAL	-	-	-
LANDSCAPE	-	-	-
ENVIRONMENTAL	-	-	-

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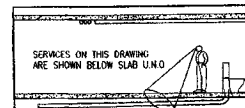
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ASAC 180 0001
HYDRAULIC, FIRE PROTECTION & CIVIL ENGINEERS SYDNEY

Drawing CIVIL SERVICES
LONGITUDINAL SECTION &
DETAILS

Design	ZO	Drawn	JR
Date	APRIL 2006	Design Validated	MA
Sheet	5 OF 8	OK Approved	
Scale	1:100	Computer Drawn	
Job No.	0608-0008	Drawn	C05
		Issue	A



A	D.A. SUBMISSION		13.07.06	Z	
P1	ISSUE FOR COMMENTS		23.05.08	Z	
Revision	amendment		Date	Initial	

Reference Coordination Drawings				
Discipline	Dwg. No.	Date	Revisions	
ARCHITECTURAL	-	-	-	
STRUCTURAL				
Mechanical				
Electrical				

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Client



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LHO GROUP

HYDRAULIC FIRE PROTECTION & GAS ENGINEERS SYDNEY

Drawing CIVIL SERVICES
SEDIMENT & EROSION
CONTROL PLAN -
NORTH

Design	ZO	Drawn	JK
Date	APRIL 2006	Design Validated	MA
Sheet	7 OF 8	QA Approved	
Scale	1:250	Computer Drawn	
Job No.	0608-0008	Drawn	C06
		Scale	A

COMPANION ANIMALS COMMITTEE - MINUTES OF 22 NOVEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To submit Minutes of the Companion Animals Advisory Committee meeting of 22 November 2006 for the information of Council and to forward the Committee's support for Acron Oval to become an off-leash area.

BACKGROUND:

A petition of 478 signatures was submitted to Council supporting the request that Acron Oval become an off-leash area. Councillors Hall and Cross requested that the petition be referred to the Companion Animals Advisory Committee for consideration.

COMMENTS:

All committee members were supplied with a copy of the petition, a fact sheet on the prevailing issues with Acron Oval and copies of recent correspondence to Council concerning exercising of dogs on the oval.

RECOMMENDATION:

That the Minutes of the Companion Animals Advisory Committee meeting held on 22 November 2006 be received and noted and that the Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire.

PURPOSE OF REPORT

To submit Minutes of the Companion Animals Advisory Committee meeting of 22 November 2006 for the information of Council and to forward the Committee's support for Acron Oval to become an off-leash area.

BACKGROUND

A petition was submitted to Council supporting the request that Acron Oval become an off-leash area. Councillor Hall and Councillor Cross resolved that the petition be received and referred to the Companion Animals Advisory Committee for consideration and the matter be reported back to Council.

COMMENTS

All committee members were supplied with a copy of the petition, a fact sheet on the prevailing issues with Acron Oval, and copies of recent correspondence to Council concerning exercising of dogs upon the oval.

CONSULTATION

Councillor Hall and 12 residents, who normally use the oval to exercise their dogs, attended the Companion Animals Advisory Committee meeting. Three members of the public addressed the Committee and spoke in support of Acron Oval being declared a leash free area.

FINANCIAL CONSIDERATIONS

The Committee made no recommendations requiring additional financing. The only financial consideration for the change of use would be insignificant, being the requirement to alter the signage on the oval.

SUMMARY

Discussions at the November Companion Animals Advisory Committee meeting were focussed primarily on the proposal of Acron Oval becoming an off-leash area. Following discussion the following recommendation was made by the Committee:

‘THAT The Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire’

The recommendation was adopted unanimously.

RECOMMENDATION

- A. That the minutes of the Companion Animals Advisory Committee meeting held on 22 November 2006 be received and noted.
- B. That the Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire.

Anne Seaton
Manager Regulation & Compliance

Michael Miocic
Director Development & Regulation

Attachments: Minutes of CAAC Meeting - 22 November 2006 - 703324

Minutes of Meeting
Companion Animals Advisory Committee
Held on Wednesday 22nd November 2006 at 7.00 pm

Present Mayor Nick Ebbeck (Chair)
 Councillor Tony Hall
 Ms Sandra Fry
 Dr Barbara Bessen
 Ms Beryl Anderson
 Ms Elizabeth Thrift

Staff Present Ms Anne Seaton, Manager Compliance & Regulation
 Ms Courtney Milton, Companion Animal Management Officer
 Ms Carol Harper, Sport & Recreation Planner

CAAC 202 **Apologies** Councillor Maureen Shelly
 Councillor Adrienne Ryan
 Councillor Elaine Malicki
 Ms Sue Hutchins
 Dr Michael Eaton
 Dr Joanne Righetti

Meeting Commenced at 7.00pm.

Meeting Chaired by Mayor Nick Ebbeck

The Committee recommends:

That the apologies for non attendance be accepted

CAAC 203 **Declaration of Pecuniary Interest**

Nil

CAAC 204 **Minutes of Meeting 9 August 2006**

The minutes were adopted

CAAC 205 **Matters arising from the minutes**

Investigation - Animal Welfare League as pound provider
Committee member Ms Sandra Fry approached the president of Animal Welfare League (AWL) directly regarding the possibility of the League providing animal impounding services to Ku-ring-gai Council. The president advised that their Ingleside premises have 16 pens that could be made available to provide for a Council impounding service. It had been AWL's intention at the time of refurbishing their premises to provide pound services for both Pittwater and Warringah Council's, however; both of these Councils have made alternative arrangements with local veterinary practices. Ms Fry advised that the President of AWL, Mary-Ann Dalton, will contact Council's Manager

Compliance & Regulation in coming weeks to discuss possibilities. AWL has indicated that they would prefer a contract with multiple councils to make it a viable proposition.

CAAC 206 Acron Oval – Petition for proposed leash free area

All committee members were supplied with a copy of the petition signed by 478 persons, a fact sheet on the prevailing issues with Acron Oval, and copies of recent correspondence to Council concerning exercising of dogs upon the oval. Twelve residents (see Attachment A) who normally use the oval to exercise their dogs attended and three persons took opportunity to address the committee. All three speakers spoke in support of Acron Oval being declared a leash free area.

Councillor Tony Hall made the following points in relation to the matter:

- Local residents first approached Council on the 30 November 2006 requesting that Acron Oval become a time shared off-leash area.
- There is no Off leash area on the eastern side of Mona Vale Road, St Ives.
- Residents have been using the area for many years as a de-facto off-leash area.
- On the 19 June 2006 further requests were made by way of a petition that listed 478 signatures of support.
- The petition was presented to Council at the Ordinary Meeting held 27 June 2006. It was moved by Councillor Hall and Councillor Cross that the Petition be received and referred to the Companion Animals Committee (CAAC) for consideration and to the appropriate officers of Council for attention and advice back to Council.
- The petition did not make it to the CAAC meeting on the 9 August 06.
- Councillor Hall visited Acron Oval on Saturday 18 November 2006 and found that Lindfield Cricket Club representatives spoke highly of the responsible dog owners that used the oval.
- This was compared to Bert Olfield Oval where many owners do not take responsibility for their dogs and walk around the oval paying no attention to their dog s behaviour or actions.
- Having a fenced area is not the best option as it takes away the need for the owner to monitor their dog, as they know it is contained. Acron Oval is not fenced and so encourages owners to keep an eye on their dog at all times.

Councillor Hall asked that the Committee supports the petition and local residents wishes, so as to have Acron oval declared as an off leash area on a shared arrangement.

Committee member Sandra Fry enquired if a turf wicket was upon the oval. She was advised that such was the case.

The three residents then addressed the Committee, a summary of points raised is provided.

Speaker 1: Susan Thomas - 2 Scott Place, St Ives

- ◆ Having this area for their use provides a sense of community and enables their dog to be exercised and socialised appropriately.
- ◆ The main group that uses the area are responsible and vigilant in looking after the area and regularly pick up rubbish and other litter from the oval and surrounds.
- ◆ Uses the area mainly in the early mornings and afternoons and it would be difficult for her to get across Mona Vale Road to Warrimoo Oval during peak hours.

Speaker 2: Graham Boad – 5 Athena Avenue, St Ives

- ◆ Spoke to Lindfield Cricket club in relation to the effects on the turf wicket and Club members advised that they have no problems with dogs – it is mainly kids on their bikes that cause the damage.
- ◆ Would like to see the registration of dogs tightened
- ◆ Mentioned a study between leash free areas and dog bites in New York. Initial studies 20 years ago revealed over 40,000 reported cases of dog bites and at the time, leash free areas were limited. In 2005 that number was considerably reduced to only 4,000 bites and the numbers of leash areas were in abundance.

Speaker 3: Bill Pavletich – 107A Killeaton Street, St Ives

- ◆ Acron Oval has been used by the neighbourhood for a long time as a de-facto off-leash area.
- ◆ Complaints were limited considering the number of dogs that are exercised there on a regular basis.
- ◆ A new Area Ranger has commenced regular patrols of the oval and advised dog owners to place dogs on leash and that the area is not a designated leash free area. This caused much concern to residents.
- ◆ A new notice has recently been erected at entry to park advising that dogs must be on a leash – this has upset residents.
- ◆ Would like to see the area become a leash free area all the time unless there is some type of organised sport.

Committee member Sandra Fry made the comment that the turf wicket perhaps could be temporarily fenced off with barrier mesh and that dog owners need to be emphatic about cleaning up after their dogs.

Comment: Zeke Desiztaik – 2 Scott Place, St Ives

- ◆ The main issue with the wicket is the kids – he has seen them play golf on the wicket and he feels the dogs aren't an issue for the wicket. He also mentions that graffiti is regularly found over the buildings.

Comment: Katie Lawley – Not local, works on Mona Vale Rd

- ◆ Has been using the area for a while and has been made to feel very welcome by the core group. She walks her dog there 3 mornings a week and strongly supports this recommendation.

Following discussion the following recommendation was made by the committee:

‘THAT The Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire’

The recommendation was adopted unanimously by all present.

CAAC 207 Mayor Ebbeck then vacated the meeting, as he was required at another appointment.
Councillor Hall agreed to Chair the remainder of the meeting.

CAAC208 Councillor Hall suggests the possibilities of setting up “leash free area user groups” for each of the leash free areas. These groups could take some responsibility for the area, provide feedback to Council on their area and report any concerns. The groups would also foster “community.”

It was recommended

“THAT Council’s Companion Animals Management Officer investigate and report back to a future meeting the logistics of setting up ‘leash free area user groups’ and managing contact details.”

CAAC 209 **Update on Lyrebird Program**
The Committee was advised that the proposed programme to reintroduce Lyrebirds to the Lane Cove valley had progressed no further.
The Committee requested to be kept updated on future progress of this programme.

General Business

CAAC 210 Councillor Hall thanked all committee members for their assistance and good work throughout the year and wished a Happy Christmas to all.

The meeting closed at 8.00pm

Attachment A

List of residents in attendance to support the nomination of Acron Oval, St Ives as a Leash Free Area.

Bill Pavletich	107A Killeaton Street, St Ives
Pam Stevens	16 Roma Road, St Ives
David Paurins	Brandon Pace, St Ives
Graham Bode	5 Athena Place St Ives
Judy Bode	5 Athena Place, St Ives
Diana Alcorn	2 Kirby Place, St Ives
Lynne McCook	218 Killeaton Street, St Ives
Rob Mc Cook,	218 Killeaton Street, St Ives
Susan Thomas	2 Scott Place, St Ives
Zeke Desiztaik	112 Douglas Street, St Ives
Linda Caganoff	305 Mona Vale Road, St Ives
Solomon Caganoff	305 Mona Vale Road St Ives

COMMONWEALTH DEPARTMENT OF FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS - DEED OF FUNDING AGREEMENT - AFFIXING OF COMMON SEAL OF COUNCIL

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Families, Community Services and Indigenous Affairs (CDFCSIA) and to seek approval to affix the Common Seal of Council on relevant documents.

BACKGROUND:

CDFCSIA will provide a grant of approximately \$94,130 to assist with the operation of the Ku-ring-gai Family Day Care Scheme for the period 1 October 2006 to 30 June 2007.

COMMENTS:

Ku-ring-gai Family Day Care Scheme is funded by the Australian Government under the Childcare Support Program.

The Ku-ring-gai Family Day Care Scheme currently provides long day care for 256 children and 244 families. The Ku-ring-gai Family Day Care Scheme is funded on the number of occupied places and an 8 month Long Form Funding Agreement. CDFCSIA is currently in the process of aligning all funding agreements on a financial year basis.

RECOMMENDATION:

That authority be granted to affix the Common Seal of Council to the CDFCSIA Long Form Funding Agreement and associated documents.

Item 4

S02733
13 November 2006

PURPOSE OF REPORT

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Families, Community Services and Indigenous Affairs (CDFCSIA) and to seek approval to affix the Common Seal of Council on relevant documents.

BACKGROUND

CDFCSIA will provide a grant of approximately \$94,130 to assist with the operation of the Ku-ring-gai Family Day Care Scheme for the period 1 October 2006 to 30 June 2007. The Scheme currently provides long day care and before and after school care to 256 children and 244 families throughout Ku-ring-gai. Care is provided by 30 registered carers in their homes and supported by Council.

COMMENTS

The Commonwealth Department of Families, Community Services and Indigenous Affairs have introduced a standard funding agreement to provide consistency and simplify dealings with funding recipient organisations. The Ku-ring-gai Family Day Care Scheme has been funded on the number of occupied places and an 8 month Long Form Funding Agreement. CDFCSIA is currently in the process of aligning all funding agreements on a financial year basis. At the end of the agreement period, CDFCSIA is seeking to introduce funding agreements of up to 3 years.

The main section of the agreement format is a set of standard clauses which are uniform across service types. In addition to these general clauses, the agreements contain schedules that define the operational nature and agreed outcomes for the relevant service type.

The project details outlined are consistent with the current operation of the Ku-ring-gai Family Day Care Service. The agreement does not guarantee ongoing Family Day Care funding beyond the specified period June 2007 and is subject to government policy. If the Ku-ring-gai Family Day Care Scheme delivers the services they have agreed to, and comply with conditions set out in the Long Form Funding Agreement, funding should continue in accordance with Commonwealth Government policy and in line with the agreement.

Attached to the Long Form Funding Agreement is a Confidentiality Deed Poll identifying Ku-ring-gai Council as the confidant. This document outlines Council's responsibilities and obligations relating to confidential commonwealth information under this Agreement. This is a standard document applicable to all Department of Families, Community Services and Indigenous Affairs funded services.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

According to Finance and Business Development, the proposed Long Form Funding Agreement does not have any other impact on Council's financial position.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development has been consulted in the writing of this report.

SUMMARY

The Long Form Funding Agreement has been introduced as a standard procedure for claiming grant monies from the Commonwealth Department of Families, Community Services and Indigenous Affairs. A copy of the Long Form Funding Agreement between the Commonwealth of Australia (represented by and acting through the Department of Families, Community Services and Indigenous Affairs) and Ku-ring-gai Council is available on file. Approval is now sought to affix the Common Seal of Council to the necessary Long Form Funding Agreement and associated documents.

RECOMMENDATION

That authority be granted to affix the Common Seal of Council to the Commonwealth Department of Families, Community Services and Indigenous Affairs Long Form Funding Agreement and associated documents.

Danny Houseas
Manager Community Development

Janice Bevan
Director Community Services

POLICY ON THE PAYMENT OF EXPENSES & PROVISION OF FACILITIES TO COUNCILLORS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider an amended policy on Councillors' Expenses and Facilities.
BACKGROUND:	The Department of Local Government has issued a Circular necessitating a review of the existing policy.
COMMENTS:	A draft policy has been prepared incorporating the provisions of the Department of Local Government Circular and Guidelines.
RECOMMENDATION:	That the amended Policy for the Payment of Expenses and Provision of Facilities for Councillors be endorsed for placing on public exhibition.

PURPOSE OF REPORT

To consider an amended policy on Councillors' Expenses and Facilities.

BACKGROUND

The Department of Local Government has issued Circular 06-57 *Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors* (Attachment 1). Council must comply with these Guidelines. The issue of the Circular and Guidelines necessitates a review of Council's existing policy adopted in March 2005 (Attachment 2). A new draft Policy has been prepared for consideration (Attachment 3).

COMMENTS

The focus of the Guidelines is on accountability and transparency as well as clarifying the scope and extent of entitlements. The Local Government and Shires Associations have had input into the preparation of the Guidelines. Specific limits must generally be set on entitlements under the Policy. There can be no broad general expense allowances. There are additional annual review and reporting requirements. The Guidelines set out a suggested format for the Policy.

In order to comply with the Guidelines and follow the suggested format, a complete redraft of the existing Policy has been necessary. Generally the provisions of the existing Policy have been transferred into the new draft. Much of the previous wording has been maintained with some minor changes for clarity and consistency. Apart from limits being included where necessary, the existing provisions have been maintained and some additional provisions incorporated.

Part 1 of the Policy, which deals with introductory matters, is all new. Of significance in this part are key principles that the Policy should uphold and demonstrate. In particular the policy is expected to encourage members of the community, especially under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially disadvantaged by undertaking the role of Councillor. Part 1 also sets out all of the relevant legislative provisions.

Part 2 of the Policy deals with the payment of expenses. Included in this part are new or revised provisions as follows:

- Disputed claims to be referred to a Council meeting for determination (clause 2.1)
- Payments in advance (clause 2.1)
- Payment of some expenses incurred by a spouse, partner or accompanying person (clause 2.3)
- Payment of some minor additional costs for attendance at conferences, seminars and training courses (clause 2.4)
- Payment of some expenses for attendance at briefings from key members of the community, politicians and business (clause 2.5)
- Payment of expenses for facsimiles, mobile phones and internet (clauses 2.7 and 2.8)
- Payment of limited expenses for the care of relatives and for Councillors with special requirements (clause 2.9)
- Payment of legal expenses based on Department of Local Government Circular 05/08.

Item 5

S03779
29 November 2006

Part 3 of the Policy deals with the provision of facilities. The existing provisions have been maintained and clarified with new limits specified. Part 4 of the policy deals with other minor matters.

CONSULTATION

Prior to adoption the revised Policy must be placed on public exhibition inviting submissions for at least 28 days. Council must submit its new Policy to the Department of Local Government by 28 February 2007.

FINANCIAL CONSIDERATIONS

The revised Policy incorporates some enhanced provisions. The additional costs to Council will be dependant upon the extent to which Councillors make use of the additional entitlements. The additional costs are not expected to be significant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None.

SUMMARY

The Policy on the Payment of Expenses and Provision of Facilities to Councillors has been revised to meet the new Guidelines issued by the Department of Local Government. The provisions of the existing Policy have been incorporated into the Department's suggested format with some enhancements as envisaged by the Guidelines.

RECOMMENDATION

That the amended Policy for the Payment of Expenses and Provision of Facilities for Councillors be endorsed for placing on public exhibition.

John Clark
Acting Director Finance & Business

Attachments: **Attachment 1: Department of Local Government Circular 06-57
Guidelines for the Payment of Expenses and the Provision of Facilities to
Mayors and Councillors - 701601**
 **Attachment 2: Current Policy for the Payment of Expenses and Provision
of Facilities for Councillors adopted 8 March 2005 - 478930**
 **Attachment 3: Draft Policy for the Payment of Expenses and Provision of
Facilities for Councillors, November 2006 - 700245**

Circular No. 06-57
Date 5 September 2006
Doc ID. A37268

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GUIDELINES FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYORS AND COUNCILLORS

The purpose of this circular is to advise councils of the release of Guidelines to assist in the review and preparation of policies on the payment of expenses and the provision of facilities for mayors and councillors. The Guidelines are attached to this Circular.

The Guidelines have been prepared following extensive consultation with the Local Government and Shires Associations of NSW.

The purpose of a council expenses and facilities policy is to ensure that there is accountability and transparency in the payment of expenses incurred, or to be incurred, by councillors.

The Guidelines have been adopted under the provisions of sections 23A and 252(5) of the *Local Government Act 1993* as Director General's Guidelines. As such, councils must comply with these Guidelines when preparing and adopting an expenses and facilities policy under sections 252-254 of the Act.

The aims of the Guidelines are to:

- clarify issues in regard to the scope and extent of the expenses that may be claimed by, and equipment and facilities provided to, mayors and councillors so that these are reasonable and appropriate
- ensure a level of consistency in the content of council policies
- provide direction for new reporting requirements as required by the Department of Local Government.

These Guidelines set out certain principles and discuss relevant issues to assist councils with the making of their expenses and facilities policies.

The overriding principle to be addressed in the development of an expenses and facilities policy is that the provisions made by the policy in regard to benefits to councillors are acceptable to and meet the expectations of the local community.

Specific expense limits and the level of provision of equipment and facilities are not defined in the Guidelines, but must be set by individual councils to suit their needs and their ability to afford them.

The policies must not include a general expense or allowance clause. All expenses payments must be either reimbursed after the event or reconciled if an advance payment is made to the mayor or a councillor.

The Guidelines provide an indication of certain limited circumstances where the reasonable costs incurred by councillors on behalf of their spouses, partners or accompanying persons may be met by the council.

It should be noted that proposed amendments to Clause 217 of the Local Government (General) Regulation 2005 will require councils to include additional reporting of various types of councillor expenses in their annual reports.

These Guidelines replace the Department's Circular to Councils 04/60 - *Policy on payment of expenses and provision of facilities to the mayor, deputy mayor and other councillors*.

The Guidelines do not deal with matters associated with the setting and payment of councillors' annual fees, which are matters for the Local Government Remuneration Tribunal.

Councils are required by the amending legislation to submit their expenses and facilities policy to the department by 30 November each year. Councils are also required to include in their annual reports relevant information on the payment of expenses and provision of facilities to mayors and councillors in accordance with the legislation and these Guidelines.

For the financial year 2006/2007, councils must submit a policy that complies with the Guidelines by 28 February 2007.



Garry Payne
Director General



Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW

Department of Local Government

September 2006

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ATTACHMENT 1

Suggested format for a councillor expenses and facilities policy.

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Acknowledgements

The Department of Local Government would like to thank the Local Government and Shires Associations Working Party on Councillor Expenses for their contribution to the review of these guidelines.

Purpose of these guidelines

These guidelines have been developed to assist councils review and prepare their policies on the payment of expenses and the provision of facilities for mayors and councillors in local councils in NSW.

These guidelines have been prepared under the provisions of section 23A of the *Local Government Act 1993* as Director General's Guidelines. As such, councils must take these guidelines into consideration when preparing and implementing an expenses and facilities policy under section 252.

The aims of these guidelines are to:

- clarify issues in regard to the scope and extent of the expenses that may be claimed by, and equipment and facilities provided to, mayors and councillors so that these are reasonable and appropriate,
- ensure a level of consistency in the content of council policies,
- provide direction for reporting requirements required by the Department of Local Government.

These guidelines set out certain principles and discuss relevant issues to assist councils with the making of their expenses and facilities policies. They do not provide model clauses for inclusion in policies. **However, a suggested outline structure or format for a policy is at ATTACHMENT 1.** Councils are encouraged to use this format and adapt it where necessary to suit their needs.

These guidelines replace the departmental Circular to Councils 04/60 *Policy on payment of expenses and provision of facilities to the mayor, deputy mayor and other councillors*.

These guidelines do not deal with matters associated with the setting and payment of councillors' annual fees, which are a matter for the Local Government Remuneration Tribunal.

Background

A departmental review of a number of council expenses policies revealed a high level of variability in their format and content, the scope of expenses and facilities provided, and the level of payment of expenses to councillors. Many councils did not set a limit to the payment of a number of types of expenses.

In order to address concerns, sections 252 and 253 of the *Local Government Act 1993* were amended (refer the *Local Government Amendment Act 2005*). These amendments are discussed under the statutory requirements section of these guidelines.

Note that a council may disburse money only if the disbursement is authorised by the *Local Government Act 1993*, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

Principles

Conduct

As required by section 439 of the *Local Government Act 1993* and reinforced in the Model Code of Conduct provisions, councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act. Councillors should in particular, be mindful of the provisions of the *Anti-Discrimination Act 1977*.

Participation, equity and access

The expenses policy provisions must be **non-discriminatory and used in an equitable manner to enable the full participation by councillors from different walks of life**. The policy should allow councillors to represent the community in different ways and take account of, as much as possible, individual differences.

The provisions made in the policy should be at an appropriate level to **encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a councillor**. Such encouragement promotes a diversity of representation that can bring the benefit of new and different approaches and solutions to issues.

The council expenses policy should take account of and make reasonable provision for the **special needs of councillors** to allow access to the appropriate parts of council premises, and facilities, and maximise participation in the civic duties and business of council. This should include for example,

provision for sight or hearing impaired councillors and those with other disabilities. It should also make reasonable transportation provisions for those unable or unwilling to drive a vehicle.

Accountability and transparency

Council expenses policies must ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. They should cover the specific expenses for which councillors are entitled to receive reimbursement. Councillors can only receive reimbursement for expenses when the expense is identified in the policy.

The overriding principle to be addressed in the development of a council expenses policy is that **the details and range of benefits provided to councillors by the council must be clearly stated and be fully transparent and acceptable to the local community.**

More comprehensive reporting requirements defined under the Local Government Regulation and under these guidelines will further reinforce accountability and transparency.

Reasonable expenses

The expenses and facilities policy should ensure that councillors are reimbursed for **expenses reasonably incurred** in their performance of their role as a councillor.

Recognising local differences

Individual policies should be sufficiently **flexible** and tailored to allow individual councils to determine **what they can afford to pay and what is acceptable to their communities.** They need to **recognise the differences between councils** in terms of levels of complexity of their governance, population size, the local economic and development environment and so on. These differences are broadly reflected in the various categorisations of councils, which have been determined by the Local Government Remuneration Tribunal to derive the level of annual fees paid to mayors and councillors.

Limits

The payment of expenses and the provision of equipment and facilities to councillors **should not be open-ended.** Councils must agree and set monetary limits to all expense provisions in their policy where practicable and where appropriate, as well as standards for the provision of equipment and facilities provided to councillors.

Annual fees and expenses

The relationship between the annual fees paid to mayors and councillors and the level and scope of expenses paid to councillors is a basic issue when considering the development of a policy for councillor expenses.

The Local Government Remuneration Tribunal has adopted the principle that **expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations**. However, the Tribunal also acknowledges the ability and practice of some councils to ask councillors to pay for some of their expenses from their annual fee. This practice, which has been adopted by some small country councils, can have the effect of financially disadvantaging their councillors and therefore is not encouraged.

Councils may only **pay a deputy mayor part of the mayor's annual fee** where a deputy mayor demonstrably acts in the role of the mayor. Such payment should only be done at the direction of the mayor and the council must deduct any amount paid to the deputy mayor from the mayor's annual fee.

Policies prepared under these guidelines should set levels of expenses and facilities to realistically account for costs incurred by councillors independent of the level of their annual fees.

Expenses and allowances

Councils may determine their own **local rates** of expenses and level of equipment provision so long as they follow these guidelines, conform to legislative and statutory requirements, and other policies nominated in these guidelines.

The policies **must not include a general expense clause**. Clause 403 (previously 42A) of the *Local Government (General) Regulation 2005* provides that councils must not include in their section 252 policies any provision that enables council to pay a councillor an allowance in the nature of a general expense allowance. Section 252 only authorises payment or reimbursement of actual expenses incurred by councillors in carrying out their civic duties. It is not appropriate or lawful for councils to pay general allowances unrelated to actual expenses incurred or designed to supplement councillors' annual fees payable under the *Local Government Act 1993*.

When requested by a councillor, consideration should be given to the provision of an **advance payment** for the cost of a service associated with a civic duty, which would then be reconciled at a future date and within a timeframe stated in the policy.

Monetary limits to expenses

These guidelines do not specify particular monetary limits for the payment of various expenses to councillors. Rather it is the responsibility of individual councils to establish what they would consider **a reasonable level of provision** by determining their own monetary limits and/or rates for the payment of expenses and other benefits to their councillors. These provisions are to be clearly stated in the policy.

Identifying and publishing monetary limits allows members of the public to know the expected cost of providing services to councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where councillors incur costs that are unforeseen or considered unreasonable by other councillors and the public.

Standard of provision of equipment and facilities

These guidelines do not specify a specific standard for the provision of equipment and facilities to councillors. As with expenses, it is the responsibility of councils to establish and define an appropriate and reasonable level of provision that would enable councillors to effectively carry out their civic duties.

It is expected that **the needs of different councils would be reflected in the scale, scope and nature of equipment and facilities provided**. Like expenses, it is expected that councils of an equivalent Local Government Remuneration Tribunal category would generally make similar provisions.

Approval arrangements

The policy should clarify approval arrangements. In particular, it should **avoid any one person from being the sole decision maker**. This is to prevent potential conflicts. Approval for discretionary trips and attendance at conferences and the like should be where possible, approved by a full meeting of the council. If this is not possible then the approval should be given jointly by the mayor and the general manager. If the mayor requires approval to travel outside of council meetings it should be given jointly by the deputy mayor (if there is one) or another councillor (if there is not a deputy mayor) and the general manager.

Private benefit

Councillors **should not generally obtain private benefit from the provision of equipment and facilities**, nor from travel bonus or any other such loyalty schemes. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Where more substantial private use has occurred the Act provides that a payment may be made to cover the level of that private use. Councils should establish a suitable rate for private use and include it within the policy (refer s252 (2)).

Notes to assist councils in the development of a councillor expenses policy are at APPENDIX 1. These notes do not form part of these guidelines.

Statutory requirements

A policy for the payment of expenses and the provision of facilities for councillors is made under section 252 of the *Local Government Act 1993* and in accordance with clause 403 of the *Local Government (General) Regulation 2005*.

Other policy provisions, which should be considered, include these guidelines, Department of Local Government circulars to councils, the Model Code of conduct for Local Councils in NSW and the Independent Commission against Corruption publication *No Excuse for Misuse*.

Details of relevant statutory requirements and other policy provisions are at APPENDIX 2 of these guidelines.

Development, promotion and review of an expenses and facilities policy

Development and adoption of the policy

Councils must implement section 253 of the *Local Government Act 1993* before adopting or amending a policy. Councils must give public notice of its intention and allow at least 28 days for public submissions. Councils must consider any submissions received and make any appropriate changes to the policy. Councils do not need to give public notice of a proposed amendment to the policy, if the amendment is **not substantial**. Within 28 days of adopting or amending the policy, the policy and details of submissions are to be forwarded to the Director-General of the Department of Local Government.

The term “not substantial” should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Substantial amendments to the policy that could include larger changes to monetary limits than the limit noted above, and/or major changes to the standard of provision of equipment and facilities, will require public notice of

the amendment. Any **new** category of expenses, facilities and equipment included in the policy will also require public notice.

Note that a council must adopt a policy each year even if the policy is the same as its existing policy. As noted above, public notice must be given prior to the annual adoption process.

Promotion and availability of the policy

Councils should promote their policies on the payment of expenses and the provision of facilities to councillors to the community by placing them on their websites and making them readily accessible. Councils should ensure that the policy is easy to locate and view by the public.

Review

Councils are required on an annual basis to review and submit their policy to the Director-General of the Department of Local Government within 28 days of adoption by council, even if they propose to adopt an unchanged policy. Current policies must be submitted by 30 November each year.

Reporting obligations

Existing requirements

Section 428 of the *Local Government Act 1993* requires councils to include in their annual report:

- the council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- the total amount of money expended during the year on providing those facilities and paying those expenses
- additional information as required by the *Local Government (General) Regulation 2005*.

Proposed requirements

(*Proposed*) amendments to clause 217 of the *Local Government (General) Regulation 2005* require councils to include additional reporting information in their annual reports.

The additional reporting information required is for the purposes of transparency and accountability and should not be seen as a disincentive for the payment of appropriate expenses to councillors.

*Note that the final details of the required reporting requirements have not yet been determined. **The following represents a recommended approach.***

Councils are required to report separately on:

- *the total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:*

Expenses

- *the cost of phone calls including mobiles, home located landlines, facsimile and internet services*
- *spouse/ partner/ accompanying person expenses*
- *conference and seminar expenses*
- *training and skill development expenses*
- *interstate travel expenses*
- *overseas travel expenses*
- *care and other related expenses*

Provision of facilities

- *the cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the councillors' homes. This item does not include the costs of using this equipment, such as calls.*

Reporting of equipment and facilities costs

In addition to the statutory reporting requirements, councils should report other costs where these are significant. For example, councils should report the cost of the provision of facilities and equipment where such provision is above what would **normally** be required for the day-to-day running of the council.

Appendix 1

Notes to assist councils in the development of a councillor expenses policy

Introduction

The following notes do not form part of the guidelines. However they have been provided to assist councils in clarifying various issues and include examples to assist councils to prepare their policies. Councils should give consideration to using these notes where they are appropriate to their needs and circumstances.

Status of the policy

The current status of the policy, including details of the date of commencement and previous amendments and revisions, should be provided. The date of the adoption of the amended policy and an outline of the current amendments should be provided in a separate section of the policy to facilitate perusal by the Department of Local Government.

Payment of expenses

General

Council should establish a time limit for councillors to seek reimbursement for their expenses.

Reimbursement and reconciliation of expenses

Reimbursement of costs and expenses to councillors should only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms. Expenses and costs incurred must be in accordance with the requirements of the council expenses policy.

Payments in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy. However, councillors must fully reconcile all expenses against the cost of the advance when they return within a specified time. No allowance type payment should be payable in any circumstances.

Payment of expenses for spouses, partners and accompanying persons

There may be limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the councillor). An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

As a consequence, meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying councillors within the local government area. Such functions would be those that a councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include but not be limited to, Australia Day award ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the council.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences could be met by councils. These expenses should be limited to the cost of registration and the official conference dinner. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors.

Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a mayor, or a councillor when they are representing the mayor, when they are called on to attend an official function of council or carry out an official ceremonial duty while accompanying the mayor outside the council's area, but within the State. Examples could include charitable functions to which the mayor has been invited and award ceremonies and other functions to which the mayor is invited to represent the council.

The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a councillor at any event or function outside the council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by council (with the exception of attendance at the Local Government and Shires Associations annual conferences, as noted above).

The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the councillor or the spouse/partner/accompanying person.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above should be confined

specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

Incidental expenses

Reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses that councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms.

Incidental expenses could reasonably include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation. It is expected that councils would specify daily limits to these out of pocket or incidental expenses in their policy.

All advanced payments are required to be reconciled.

Consideration of specific expenses for mayors and councillors

General travel arrangements

All travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Local travel arrangements and expenses

The policy should provide for the payment of reasonable travel expenses for local travel relating to defined council business.

For example, the policy could include arrangements for the use of a private vehicle and provisions for the use of public transport, taxis, hire cars, travel using a council vehicle and associated other costs such as parking and road tolls. The policy should clarify that the driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

Interstate travel

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Overseas travel

It is strongly recommended that councils scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid international visits unless direct and tangible benefits can be established for the council and the local community.

Detailed proposals for overseas travel should be developed, including nomination of the councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit, should also be provided.

Overseas travel must be approved by a meeting of the full council prior to a councillor undertaking the trip. Travel must be approved on an individual trip basis. Councils should not allow the retrospective re-imburement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals should be included in the council business papers. The use of a mayoral minute to obtain council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

After returning from overseas, councillors, or an accompanying member of council staff, should provide a detailed written report to council on the aspects of the trip relevant to council business and/or the local community. Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the council.

Details of overseas travel must also be included in councils' annual reports. Councils are also required to report on the benefits of any proposed overseas sister city relationships.

Attendance at seminars and conferences

Councils may provide specific guidance in their policies in regard to the type of seminars and conferences that may be attended, the number of councillors who may attend and approval arrangements.

Requests for attending conferences should generally be in writing outlining the benefits for council. After returning from the conference, councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community. No written report is required for the Annual Conferences of the Local Government and Shires Associations.

Councils may pay conference registration fees charged by the conference organisers including the costs of related official lunches and dinners, and

associated tours where they are relevant to the business and interests of the council.

Councils should meet the reasonable cost of transportation and accommodation associated with attendance at the conference, and meals when they are not included in the conference fees.

Accommodation costs

Councils may make specific provision in the policy in regard to an appropriate standard of accommodation for councillors attending conferences, seminars and other functions.

Attendance at dinners and other non-council functions

The policy should address the issue of councillors' attendance at formal dinners and other non-council functions.

Consideration may be given to meeting the cost of councillors' attendance at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to the council's interest. Only the cost of the service provided should be met. No payment should be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

Training and educational expenses

Councils should consider making separate provision for the payment of relevant training and educational expenses incurred by councillors in the budget. These expenses would support and encourage an active learning process and skills development in addition to attending seminars and conferences related to council functions. It is essential where council is paying these expenses that the training or educational course is directly related to the councillor's civic functions and responsibilities.

This initiative also supports NSW Government policy. The Minister for Local Government is keen to encourage councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible.

Telephone call costs and related expenses

Councils should establish a monthly monetary limit for the cost of official mobile, landline and facsimile calls made by councillors. Councils may also consider limiting expenses for internet use.

Care and other related expenses

Councils are strongly encouraged to make provision for the reimbursement of the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors, to allow councillors to undertake their council business obligations. This is in accordance with the principles of participation, access and equity outlined on page six of these guidelines and is considered by the Department of Local Government to be a legitimate expense. Councillors claiming the carer expense should not be subject to criticism for doing so.

Consideration should be given to the payment of other related expenses associated with the special requirements of councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

Legal assistance provisions and expenses

The expenses policy may address the provision of the payment of legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the *Local Government Act 1993*.

The policy should be in accordance with provisions in the departmental Circular to Councils 05/08 *Legal assistance for councillors and council employees*.

The policy should also consider provisions in the Local Government Law Guide, Sly and Weigall in association with Deacons, Graham and Jones (June 1994 pp. 322-323).

Insurance provisions and expenses

Section 382 of the *Local Government Act 1993* requires a council to make arrangements for its adequate insurance against public liability and professional liability.

The policy should include a section outlining insurance provisions for councillors and as a minimum these insurances should cover:

- Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Professional indemnity (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)

Councils could also give consideration to providing additional insurance for councillors to cover:

- Personal injury while on council business. Note that councillors are not covered by workers' compensation payments or arrangements.
- Travel insurance for approved interstate and overseas travel on council business

All insurances are to be subject to any limitations or conditions set out in the council's policy of insurance.

Provision of facilities, equipment and services

General principles

Facilities, equipment and services should be provided that are appropriate to support mayors and councillors in undertaking their role as elected members of the council. Facilities should be provided to ensure the safety of councillors, for example the allocation of a safe and secure designated parking space at or near the council premises.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

Provision of facilities, equipment and services for councillors

The following are examples of equipment, facilities and services that could be included in the policy and provided to mayors and councillors. The provision of facilities, equipment and services should not be limited to this list:

- Office equipment (phones, fax, photocopier)
- Mobile phone
- Internet
- Dedicated computer equipment including a desktop and/or laptop, printer, scanner and software
- Furnished councillors' room
- Secretarial and administrative support
- Stationery, office supplies, postage, business cards and other consumables
- Non-dedicated council vehicle
- Car parking set aside for the sole use of councillors

- Meals and refreshments
- Meals on evenings of council meetings and official dinners, light refreshments at committee and working party meetings
- Corporate clothing and protective clothing and equipment

Provision of additional facilities, equipment and services for mayors

General comment

In addition to the facilities, equipment and services provided to councillors, certain additional facilities may be provided to a mayor to recognise the special role, responsibilities and duties of the position both in the council and in the community.

Provision of a dedicated motor vehicle

Generally, a fully serviced and maintained vehicle, including a fuel card, should be provided for the sole use of the mayor. The type of motor vehicle and all conditions of use, should be specified in the policy.

Other equipment, facilities and services

Other equipment to be provided for the use of the mayor may include, but not be limited to:

- Ceremonial clothing including mayoral robes, chains of office
- Dedicated staff support, including secretarial services
- Furnished mayoral office
- Allotted parking space at the council premises

Acquisition and return of equipment and facilities by councillors

Councils should provide details of arrangements for councillors to return equipment and other facilities to the council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The policy should provide the option for councillors to purchase council equipment previously allocated to them at the cessation of their duties. If the item is for sale it should be purchased at an agreed fair market price or written down value.

Appendix 2

Details of relevant statutory requirements and other policy provisions.

Provisions under the *Local Government Act 1993*

Recent changes to sections 252(5) and 253 of the *Local Government Act 1993*, made by the *Local Government Amendment Act 2005*, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the *Local Government Act 1993* requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the *Local Government Act 1993*) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

Section 252 states:

(1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

(2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.

(3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.

(4) A council may from time to time amend a policy under this section.

(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.

Section 253 states:

(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

(4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:

(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and

(b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and

(c) a copy of the notice given under subsection (1).

(5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

Section 428(2)(f) requires a council to include in its annual report:

The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

In addition Section 428(r) requires that councils must report on any other information required by the regulations.

Provisions under the *Local Government (General) Regulation 2005*

Note that changed reporting requirements are to be made under an amendment to clause 217 of the above regulation to allow different reporting arrangements in the annual report.

Clause 217 (Additional information for inclusion in annual reports) states in part:

(1) For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:

(a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

(a) to pay any councillor an allowance in the nature of a general expense allowance, or

(b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

Other NSW Government policy provisions

Department of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

Department of Local Government Circulars to Councils

The policy must take into account the following Circulars.

- Circular 05/08 *Legal assistance for councillors and council employees.*
- Circular 02/34 *Unauthorised use of council resources.*

As previously stated, these guidelines replace Circular 04/60 *Policy on payment of facilities to the mayor, deputy mayor and other councillors.*

The Model Code of Conduct for Local Councils in NSW

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – December 2004*. The following parts of the code are particularly relevant to s252 policies:

Use of council resources (pp 23-24)

9.14 You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

9.16 You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

9.17 You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

9.18 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

9.19 You must not convert any property of the council to your own use unless properly authorised.

ICAC Publication - *No Excuse for Misuse, preventing the misuse of council resources*

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

Attachment 1

A suggested format for a policy for the payment of expenses and the provision of facilities for mayors and councillors

Part 1 INTRODUCTION

- **Title, commencement etc of the Policy**
- **Purpose of the Policy**
The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.
- **Objectives and coverage of the Policy**
- **Making and adoption of the Policy**
- **Reporting requirements**
- **Legislative provisions**
- **Other Government policy provisions**
 DLG Guidelines for payment of expenses and provision of facilities
 Model Code of Conduct
 DLG Circulars to councils
 ICAC publications
- **Approval arrangements**

Part 2 PAYMENT OF EXPENSES

GENERAL PROVISIONS

- **Payment of expenses generally**
 Allowances and expenses
 Reimbursement and reconciliation of expenses
 Payment in advance
- **Establishment of monetary limits and standards**

- Spouse and partner expenses

SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

- Attendance at seminars and conferences
- Training and educational expenses
- Local travel arrangements and expenses
- Travel outside the LGA including interstate travel
- Telephone costs and expenses
- Internet
- Care and other related expenses
- Insurance expenses and obligations
- Legal expenses and obligations

ADDITIONAL MAYORAL EXPENSES

Part 3 PROVISION OF FACILITIES

GENERAL PROVISIONS

- Provision of facilities generally
- Private use of equipment and facilities

PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYORS

Part 4 OTHER MATTERS

- Acquisition and returning of facilities and equipment by Councillors
- Status of the Policy



POLICY

For the Payment of Expenses and Provision of Facilities to Councillors

(Section 252, Local Government Act 1993)

Adopted by Council
Minute No 68 - 8 March 2005

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POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

(SECTION 252, LOCAL GOVERNMENT ACT 1993)

AIM

The aim of this policy is for the payment of expenses incurred by Councillors and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to discharging their functions of civic office.

1. PROVISION OF PERSONAL EQUIPMENT

Each Councillor will be provided with the following upon election to office:

- a. 1 brief case.
- b. 1 dictaphone either hand held or desk variety and cassettes.
- c. The provision of a facsimile/phone machine (if required) in the private residence of the Mayor and Councillors for use on Council business. All costs associated with the purchase, installation, paper, maintenance and Council-related calls be borne by Council.
- d. 1 filing cabinet for Council Business Papers and other Council correspondence.
- e. Various stationery for their elected member/civic office duties.
- f. A copy of the current relevant Local Government and Planning Legislation.
- g. Provision of appropriate electronic data/software/hardware and access with suitable training.
- h. 1 bookcase.

The above equipment will be located at the Councillor's place of residence and remains the property of Council being returnable upon the Councillor ceasing to hold office with Council. Alternatively a Councillor may wish to purchase the above equipment at the depreciated value of the equipment as recorded in the Council's Books of Accounts at the time of ceasing to hold office.

2. PROVISION OF PUBLIC FACILITIES

a. Mayor

The Mayor of Ku-ring-gai Council will be provided with the following:

Returnable

- i. An office suitably furnished and supplied with a suitable computer.
- ii. A Mayoral vehicle up to the standard of a Holden Statesman Caprice.
- iii. The Mayoral vehicle will be fully maintained by Council for the use by the Mayor for official/civic/ceremonial duties and appropriate use arising out of or in the course of the Mayor's official/civic/ceremonial duties.
- iv. A suitable petrol card to fuel the Mayoral vehicle for official use only.
- v. An allotted parking space underneath the Council Chambers at the rear of the building located at 818 Pacific Highway, Gordon.
- vi. Mayoral robes for official/civic/ceremonial use.
- vii. Mayoral Chain of Office for official/civic/ ceremonial use.
- viii. Mobile telephone for which Council will pay the rent and call charges to a limit of \$200 per month.
- ix. A suitable name badge.

The above facilities remain the property of Council and must be returned to Council upon the Mayor ceasing to hold office.

Disposable

- i. 200 Christmas cards for forwarding in his/her role as an elected member of Ku-ring-gai Council.
- ii. A copy of clippings (weekly) from newspapers relating to matters affecting Local Government in general and Ku-ring-gai in particular.
- iii. The Mayor will be supplied with business cards and appropriate replacements for his/her role as Mayor of Ku-ring-gai.
- iv. Corporate attire and presentation gifts eg Council ties, scarves, spoons, cuff links etc for own use and presentations as appropriate and gifts suitable for younger persons.
- v. An appropriate Street Directory to assist the Mayor to locate sites of applications.
- vi. Copies of most recent Electoral Roll for all Wards unless this is prohibited by privacy legislation.
- vii. Supply of appropriate facsimile transmission sheets.
- viii. Council will provide appropriate refreshments to the Mayor when fulfilling his/her Mayoral duties as required.
- ix. A raincoat and one pair of gumboots for site inspections during inclement weather.

b. Deputy Mayor

The Deputy Mayor will be provided with the same returnable and disposable facilities as those provided to Councillors.

c. Councillors

Councillors will be provided with the following:

Returnable

- i. A room suitably furnished for use by all Councillors and supplied with a suitable computer.
- ii. A technical library shall be provided in the Councillors' Room including a copy of the Environmental Law Reporter and an annotated copy of the Local Government Act. The Deputy Mayor will consult with all Councillors in order to prepare a list of publications to be ordered by the General Manager which will then form the basis of the technical library. The holdings of the library to be updated and extended where necessary by the General Manager at the joint request of any three Councillors.
- iii. 3 car parking spaces will be provided for Councillors in the Council car park underneath the Council Chambers except on Committee meeting nights, public meetings and Council meeting nights when a further 6 car parking spaces will be allotted in the same car park.
- iv. A suitable name badge.
- v. Councillors' robes for official/civic/ceremonial use.

The above facilities remain the property of Council and must be returned to Council upon the Councillor ceasing to hold office.

- vi. A website directory for relevant Local Government sites.
- vii. Councillors be issued with two numbered stickers for nominated vehicles to be able to park in any Council car park at any time when on official business. A list of Council's car parks also to be supplied.
- viii. Either:
 - (i) A Council provided mobile phone including vehicle kit, for which Council will pay rental and 100% of metered calls charged against that service, to a limit of \$100 per month, provided that the mobile phone is used for Council business only, and the number is available to be given out for general public information; or
 - (ii) If the Councillor provides their own mobile phone and mobile phone service, Council will reimburse the cost of rental plus 50% of metered calls charged against that service, to a limit of \$100 per month.

Disposable

- i. 100 Christmas cards each for forwarding in their role as an elected member of Ku-ring-gai Council.
- ii. A copy of clippings (weekly) from the newspapers relating to matters affecting Local Government in general and Ku-ring-gai in particular.
- iii. Each Councillor will initially be supplied with 250 business cards and thereafter appropriate replacements for his/her role as an elected member of Ku-ring-gai

Council.

- iv. Corporate attire and presentation gifts for use in connection with civic duties, eg tie, scarf, spoon etc.
- v. An appropriate Street Directory to assist Councillors to locate sites of applications.
- vi. Council will provide appropriate refreshments to Councillors when carrying out their civic duties.
- vii. Copies of most recent Electoral Roll for all Wards unless this is prohibited by privacy legislation.
- viii. Supply of appropriate facsimile transmission sheets.
- ix. A raincoat and one pair of gumboots for site inspections during inclement weather.

3. EXECUTIVE SUPPORT

a. Mayor

In accordance with the authority vested in the Mayor pursuant to Resolutions No 707/99 and No 732/99 (amendments), facilities will include a personal assistant with equivalent experience, responsibilities and skills to that of the General Manager's personal assistant

b. Deputy Mayor

The Deputy Mayor will be provided the same Executive Support as Councillors; however, in the absence of the Mayor, the Deputy Mayor will have use of the following:

A suitably qualified and experienced Personal Assistant.

c. Councillors

- i. One suitably qualified and experienced Executive Assistant will be provided to support all Councillors and responsible to the General Manager.
- ii. A Council officer will provide transport to and from the Council Chambers or other site for meetings when the Councillor's own mode of transport is not available.
- iii. Councillors will, where necessary, be able to use the Corporate Cab Charge Account for transportation purposes on Council business.

4. COUNCIL MEETINGS

At the Council/Committee meetings the Mayor, Deputy Mayor and Councillors will be provided with a suitable meal including refreshments. The standard of the meal provided will be determined by the Mayor in consultation with the General Manager.

5. ACCESS TO COUNCIL OFFICES

a. Mayor

The Mayor will be provided with a security card enabling entry to Council's offices as per Minute Numbers 707 and 732 of 1999.

b. Deputy Mayor

The Deputy Mayor will be provided with a security card which will enable entry to Council's offices to carry out the role of Deputy Mayor or to carry out Committee/Task Force or other activities authorised by Council.

c. Councillors

The Councillors will be provided with a security card which will enable entry to Council's offices to carry out the role of Councillor or to carry out Committee/Task Force or other activities authorised by Council.

The above cards remain the property of Council and must be returned to Council upon the person ceasing to hold office.

6. CONFERENCES/SEMINARS/TRAINING COURSES

Council will meet the expenses incurred by Councillors attending conferences/seminars/training courses as follows:

- i. Attendance at conferences which are included in Council's Annual Program of Conferences and funds provided in the adopted Management Plan and where the prior authority of the Mayor and General Manager has been obtained.

OR

- ii. For which attendance by Councillors has been authorised by resolution of Council.

OR

- iii. Attendance on a study tour involving domestic travel where the study forms part of a Task Force project plan and funds are available in the Task Force budget to be established and where the prior authority of the Mayor and General Manager has been obtained.

OR

- iv. Attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved and where the prior authority of the Mayor and General Manager has been obtained.

a. Registration Fees

Council will meet the registration fees for delegates attending conferences/seminars/training courses.

b. Accommodation

- i. Delegates will be accommodated in the hotel where the conference/seminar/training course is being held or the nearest hotel to the conference/seminar/training course of a similar standard or as authorised by the host organiser where the conference is not located within the Sydney Metropolitan Area.
- ii. Council will provide accommodation for delegates at the rate of a double room.

c. Transportation

Delegates attending conferences/seminars/training courses will be transported via an economy class air ticket or Council will reimburse the travelling expenses as detailed below whichever is the lesser amount.

- i. Council will reimburse Councillors as delegates with travelling expenses incurred by the delegate within his/her own vehicle, provided a claim as detailed by Part 7 of this policy is submitted.
- ii. For travel within a Council-owned vehicle, actual costs incurred by the delegate will be reimbursed.
- iii. A Councillor who travels on Council business shall:
 - Travel with all due expedition and any time incurred in anything other than Council business shall not be included in expenses paid by Council.
 - Travel by the shortest practical route.
- iv. Council will meet the cost of transferring delegates from their place of abode to the airport and return from the airport to their place of abode or meet the cost of a taxi fare, whichever is the lesser amount.
- v. Council will meet the cost of transferring delegates from the airport to the hotel and return at the conclusion of the conference seminar/training course, such costs not to exceed the cost of a taxi fare.
- vi. Should a delegate be accommodated in a hotel not being the site of the conference/seminar/training course, and the delegate is travelling in a non Council-owned vehicle, Council will meet the cost of the delegate travelling from the hotel to the site of the conference/seminar/ training course and return each day of the conference/seminar/training course, such costs not to exceed the cost of a taxi fare.
- vii. Where as a result of attending a conference/seminar/ training course a Councillor visits another Council in the course of his/her elected member duties or to further his/her knowledge of Local Government, and the Councillor is travelling in a non Council-owned vehicle, Council will meet the cost of transfer of the delegate from his/her hotel to the Council visited and return, such costs not to exceed the cost of a taxi fare.
- viii. All other transfers are to be met by the delegate.

d. Meals

Council will meet the cost of breakfast, lunch and dinner for delegates where any of these meals are not provided as part of the conference/seminar/training course. Council will also meet the cost of reasonable drinks accompanying the meal.

e. Incidental Expenses

i. Telephone

Council will meet the cost of telephone calls from the delegate to his/her family and to Council during the period of the conference/seminar/training course. Other telephone expenses are to be paid for by the delegate.

ii. **Laundry**

Council will not meet the cost of laundry or dry cleaning services. Such services are to be met by the delegate.

iii. **Tipping**

Council will not meet the cost of any tips provided by the delegate.

iv. **Bar Fridge**

Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room.

v. **Bar Service**

Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Mayor or leader of Council's delegation.

f. **Partners of Delegates**

All expenses for a partner accompanying a delegate at Conferences/Seminars/Training Courses will be met by the Councillor, including registration fees and any expenses incurred in an accompanying person's program.

g. **Payment of Expenses by Delegates**

- i. Council will, where possible pay expenses directly to the hotel, either by account or through the Corporate Credit Card if possible.
- ii. However Councillors should be aware that it may be necessary for them to pay unexpected expenses and must then submit a claim for reimbursement of those unexpected expenses to Council.
- iii. Once expenses of attending a conference/seminar/ training course have been finalised, accounts will be forwarded to delegates for any expenses payable by them.
- iv. Such accounts are to be repaid in full within the Council's normal terms ie 30 days.
- v. Any arrangements to finalise an account by periodic payment must only be approved by Council.

h. **Arrangements**

Council may make all necessary arrangements for delegates and partners in accordance with Part 6 of this policy, if requested.

7. CLAIMS FOR TRAVELLING EXPENSES

- a. Travelling expenses will only be paid for travel on official business of the Council or where approval has been granted for the Councillor attended in accordance with Clause 6.
- b. Claims for travelling expenses shall be submitted no later than 3 months after the expenses were incurred and shall be submitted to the General Manager.

- c. Such claims shall state the following:
 - i. Time and place of departure.
 - ii. Time and place of arrival.
 - iii. Distance travelled.
 - iv. Fares and parking fees paid, attaching receipts where possible.
 - v. Where applicable, number of days and hours occupied in travelling to and from the conference/seminar/training course and attending Council meetings or on the authorised business of Council.
 - vi. Amount claimed as conveying allowances.
 - vii. Total amount of claim.
- d. The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in any Local Government Award.
- e. Where the travel can be undertaken by air, the amount payable for travel in a Councillor's own car can be no more than the corresponding air fare and taxi fares to and from the airport.

8. INSURANCE AND LEGAL COSTS

- 8.1 Councillors are covered under the following Council insurance policies on a 24 hour basis, while discharging the duties of civic office including attendance at meetings of external bodies as Council's representative:

- (a) Public Liability Insurance;
- (b) Professional Indemnity Insurance;
- (c) Personal Accident Insurance.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

- 8.2 In the event of:

- (a) any enquiry, investigation or hearing into the conduct of a Councillor by any of:

- the Independent Commission Against Corruption;
- the Office of the Ombudsman;
- the Department of Local Government and Co-operatives;
- the Police;
- the Director of Public Prosecutions; or
- the Local Government Pecuniary Interest Tribunal;
- a Parliamentary Committee;
- or the like; or

- (b) legal proceedings being taken against a Councillor

then if a Councillor is compelled to appear before any of the bodies referred to above to give evidence of matters, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor or in relation to the Council, Council shall reimburse such Councillor, at the conclusion of such enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

- 1 the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and

2. the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor if the conduct of the Councillor is an issue; and
3. the enquiry, investigation, hearing or proceeding does not result in a finding that the Councillor acted in bad faith.

9. POSTAGE

Council will post all correspondence on behalf of the Mayor, Deputy Mayor and Councillors relative to their elected member role.

10. LETTERHEAD

a. Mayor

Council will provide standard Mayoral letterhead for use by the Mayor for official correspondence.

b. Councillors

Council will provide the appropriate letterhead for use by Councillors in replying to correspondence from electors.

11. CORRESPONDENCE

- a. Council will provide follow up procedures for correspondence by Councillors. Such follow-up for correspondence to be carried out by the General Manager or his/her delegate.
- b. Copies of all correspondence by Councillors including facsimile transmission sheets will be placed in folders in the Councillors' Room for reference by all Councillors.
- c. Correspondence by Councillors, relative to the elected member role is considered official correspondence of Ku-ring-gai Council where the matter is referred to the General Manager for attention. That correspondence shall be attached to the appropriate Council file for registration attention and reply.

12. CAR PARKING

- a. The Mayor, Deputy Mayor and Councillors will be provided with 2 official numbered Council stickers to identify at least 2 private vehicles.
- b. No time restriction will be imposed on an identified Councillor's private vehicle whilst parked in a parking space located underneath the Council Chambers at 818 Pacific Highway, Gordon and the Council staff car parking area adjacent to the Council Chambers in Dumaresq Street, Gordon.
- c. The use by Mayor, Deputy Mayor and Councillors of other Council regulated car parks is permitted at any time when Councillors are on official business.

13. PRIVATE BENEFIT

Fees payable under Division 5 of Chapter 9 of the Local Government Act 1993 will not be reduced by an amount representing the private benefit to the Mayor, Deputy Mayor or a Councillor of a facility provided by the Council to the Mayor, Deputy Mayor or Councillor. Where the Mayor, Deputy Mayor or Councillor obtains a private benefit for their use of a facility provided by the Council to the Mayor, Deputy Mayor or Councillor, the Mayor, Deputy Mayor or Councillor will be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms.



POLICY

for the Payment of Expenses and Provision of Facilities to Councillors

(Section 252, Local Government Act 1993)

(Draft Nov 06)
Adopted by Council
Minute ...

Ku-ring-gai Council - Policy for the Payment of Expenses and Provision of Facilities for Councillors

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November 2006

POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

(SECTION 252, LOCAL GOVERNMENT ACT 1993)

Part 1 INTRODUCTION

Title and Commencement of the Policy

- 1.1** This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors.

The Policy is effective from <date>.

In this Policy, unless otherwise stated, the expression "Councillor" refers to all Councillors of Ku-ring-gai Council including the Mayor and Deputy Mayor.

In this Policy the expression "year of term" means the twelve (12) month period commencing on the date of election to Council of a Councillor and every subsequent twelve (12) month period of the term of office.

Purpose of the Policy

- 1.2** The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors. The Policy also ensures that the facilities provided to assist and support the Councillors to carry out their civic functions are reasonable.

Objectives and Coverage of the Policy

- 1.3** The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to, the Councillors the cost of which shall be met by Council.

This Policy also aims to uphold and demonstrate the following key principles:

- **Conduct.** Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act ("the Act") or any other Act.

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- **Participation, equity and access.** The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic functions and business of Council.

- **Accountability and transparency.** The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- **Reasonable expenses.** Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor.

Only those entitlements specifically described in this Policy shall be provided by Council.

Making and Adoption of the Policy

- 1.4** This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993. These sections are set out in clause 1.6.

The Policy is to be adopted by Council annually, within 5 months after the end of each financial year.

Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.

Public notice is not necessary if the proposed changes are insubstantial, i.e. if there are only minor changes to the wording of the Policy, changes to monetary provisions or rates that are less than 5% or minor changes to the standard of equipment and facilities to be provided. Public notice, however, is required prior to each annual adoption process even if there is no proposed change to the Policy.

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Reporting Requirements

- 1.5** Section 428 of the Act and clause 217 of the Local Government (General) Regulation ("the Regulation") require Council to include in each Annual Report a copy of this Policy and details of the cost of implementing the Policy. Copies of this legislation are set out in clause 1.6.

Legislative Provisions

- 1.6** The relevant legislative provisions are set out below. In this legislation the expression "year" means the period from 1 July to the following 30 June.

Local Government Act

252 *Payment of expenses and provision of facilities*

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy shall provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council shall from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 *Requirements before policy concerning expenses and facilities can be adopted or amended*

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

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- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) *Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) *A report must contain the following:*
 - (f) *the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,*

Local Government (General) Regulation

217(pt) Additional information for inclusion in annual reports

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
 - (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organizations),*

403 Payment of expenses and provision of facilities

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A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Also, under Section 248A of the Act Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from civic office or the right to be paid any fee is suspended.

Under Section 254A of the Act Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government Policy Provisions

1.7 This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- Department of Local Government Circular No. 06-57, 5 September 2006, *Guidelines for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors*
- Department of Local Government Circular No. 05/08, 9 March 2005 *Legal Assistance for Councillors and Council Employees*
- ICAC Publication *No Excuse for Misuse*, November 2002
- Ku-ring-gai Council *Code of Conduct*.

Part 2 PAYMENT OF EXPENSES

GENERAL PROVISIONS

Payment of Allowances and Expenses Generally

- 2.1** An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fee paid to each Councillor is generally not intended to offset those costs.

The payment of allowances and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office.

Reimbursement and reconciliation of expenses

Claims for reimbursement of expenses shall be submitted no later than 3 months after the expenses were incurred. Claims shall be submitted to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim. Tax invoices and receipts are to be supplied when available to support claims.

Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in the Local Government (State) Award.

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Where travel out of the Sydney metropolitan area can be undertaken by air, the amount payable for travel in a Councillor's own car shall be no more than the corresponding air fare and taxi fares to and from the airport.

Council shall, where possible pay expenses directly by account or through the corporate credit card. However it shall be necessary for Councillors to pay unexpected expenses and then seek reimbursement.

Once expenses of attending a conference, seminar or training course have been finalised, accounts shall be forwarded to Councillors for any expenses payable by them. Such accounts are to be repaid in full within Council's normal terms, i.e. 30 days. Any arrangements to finalise an account by periodic payment may only be approved by Council.

An employee delegated by the General Manager shall assess all claims made under this Policy. The employee shall review a claim against the provisions of this Policy and make a recommendation to the General Manager. The General Manager shall then determine the claim. Approved claims, in part or in whole, shall be paid within seven (7) days.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

Payment in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy, where the service or facility is not ordinarily acquired by Council. However, Councillors must fully reconcile all expenses against the cost of the advance. Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The maximum value of a cash advance is \$500.

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Establishment of Monetary Limits and Standards

- 2.2** Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

Spouse and Partner Expenses

- 2.3** In this clause *accompanying person* means *a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor.*

In limited circumstances Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor, such as costs associated with attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within metropolitan Sydney.

Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function. Each Councillor is entitled to a maximum of \$200 per year of term for these types of expenses.

In addition Council shall meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.

Costs associated with spouses, partners or accompanying persons attending other conferences, seminars and training courses shall not be met by Council.

Also, Council shall meet limited expenses of spouses, partners or accompanying persons of the Mayor, or a Councillor representing the Mayor, when attending an official function of Council or carrying out an official ceremonial duty while accompanying the Mayor outside Council's area, but within New South Wales. Such circumstances could include charitable functions or award ceremonies to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

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In all cases under this clause peripheral expenses of spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

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EXPENSES FOR COUNCILLORS

Attendance at Seminars, Conferences and other Training and Educational Expenses

2.4 Council shall meet expenses incurred by Councillors attending conferences, seminars and training courses in any of the following circumstances:

- Attendance authorised by resolution of Council
- Attendance at conferences which are included in Council's Annual Program of Conferences and funds are provided in the adopted Management Plan and where the prior authority of the Mayor and General Manager has been obtained
- Attendance on a study tour involving domestic travel where the study forms part of a Task Force project plan and funds are available in the Task Force budget to be established and where the prior authority of the Mayor and General Manager has been obtained
- Attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved and where the prior authority of the Mayor and General Manager has been obtained.

Where the Mayor is seeking approval to attend a conference, seminar or training course the authority of the Deputy Mayor and the General Manager is required where applicable.

Requests from individual Councillors for attendance at conferences, seminars and training courses shall be in writing outlining the benefits for Council and the community.

After return from a conference, the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and/or the community. Such a report is not required for the Annual Conferences of the Local Government and Shires Associations.

If requested Council shall make all necessary arrangements for the attendance of Councillors at the conference, seminar or training course. Where the Councillor is being accompanied by another person Council shall also make all of the necessary arrangements for that person. Council shall meet only those costs relating to the attendance of that person as set out in clause 2.3.

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Council shall meet the following costs for attendance at approved conferences, seminars and training courses:

Registration fees

Council shall meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.

Accommodation

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Transportation

Councillors attending a conference, seminar or training course shall travel by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations. Any time and costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.

For conferences out of the Sydney metropolitan area Council shall meet the cost of an economy class air ticket or Council shall reimburse transportation expenses as detailed below whichever is the lesser amount.

Council shall reimburse transportation expenses by a Councillor with the Councillor's own vehicle. For travel within a Council-owned vehicle, actual costs incurred shall be reimbursed.

Council shall meet the cost of transferring Councillors from their place of residence to the airport and return or meet the cost of taxi fares, whichever is the lesser amount.

Council shall meet the cost of transferring Councillors from the airport to the hotel and return at the conclusion of the conference, seminar or training course, such costs not to exceed the cost of taxi fares.

Should a Councillor be accommodated in a hotel not being the site of the conference, seminar or training course, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of the Councillor travelling from the hotel to the site of the conference, seminar or training course and return each day, such costs not to exceed the cost of taxi fares.

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Where as a result of attending a conference, seminar or training course a Councillor visits another Council in the course of discharging the functions of civic office or to further knowledge of local government, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of transfer of the Councillor from the hotel to the Council premises visited and return, such costs not to exceed the cost of taxi fares.

Meals

Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course. Council shall also meet the reasonable cost of drinks accompanying the meals.

Bar Service

Council shall meet the cost of any expenses incurred at a bar located within the conference hotel or the accommodation hotel only when special guests have been invited for drinks at the request of the Mayor or the leader of Council's delegation.

Other costs

Council shall meet other reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, such as telephone or facsimile calls, refreshments, other meals, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees up to a maximum amount of \$50 per day.

Local Travel Arrangements and Other Expenses

- 2.5** Travelling expenses shall be paid for travel on official business of Council in the Sydney metropolitan area. Councillors may, where necessary, be provided with a taxi voucher for transportation purposes on Council business. Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines. Claims for reimbursement under this provision shall be supported with an explanation of the need for the travel in relation to official Council business.

Council shall meet the cost of Councillors' attendance at dinners and other non-council functions which provide briefings to Councillors from key members of the community, politicians and business where the function is relevant to Council's interest. Council shall meet the cost of any component of the ticket to the function that is a donation to a registered charity but shall not meet the cost of any component of the ticket that is a donation to a political party, candidate's electoral fund or other private benefit. Each Councillor is entitled to a maximum of \$200 per year of term for these types of expenses.

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Travel Outside the Local Government Area including Interstate and Overseas Travel

- 2.6** For any proposed travel by a Councillor on Council related business not otherwise addressed in clauses 2.4 and 2.5 the approval of Council in non-confidential session of a Council meeting is required. Approval shall be granted subject to any conditions Council so determines. Council shall meet only those expenses that Council so determines.

Telephone Costs and Expenses

2.7 Facsimile

Council shall meet the cost of providing a telephone landline for any facsimile machine provided under this Policy. Council shall meet the cost of landline rental and all calls incurred in transmitting facsimiles, to a maximum cost of \$100 per month.

Mobile telephone

Council shall meet the cost of a mobile telephone either:

- A Council provided mobile telephone including vehicle kit to the value of \$1000, for which Council shall pay rental and 100% of metered calls charged against that service, to a limit of \$200 per month for calls, provided that the mobile telephone is used for Council business only, and the number is available to be given out for general public information; or
- If the Councillor provides their own mobile telephone and mobile telephone service, Council shall reimburse the cost of rental plus the cost of those calls certified by the Councillor as being Council business calls charged against that service, to a limit of \$200 per month for calls.

In addition Council shall meet data costs in respect of mobile telephones up to a limit of 100 megabytes per month. For Councillor-owned mobile telephones the amount payable by Council under this provision shall not exceed the amount paid under contracts entered into by Council for Council-owned mobile telephones.

Internet

- 2.8** Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor.

Care and Other Related Expenses

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2.9 Care of relatives

In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Act;

Relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).*

Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,000 per year of term.

Special requirements of Councillors

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,000 per year of term.

Insurance Expenses and Obligations

2.10 Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:

- Public Liability insurance
- Professional Indemnity insurance
- Personal Accident insurance

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

Legal Expenses and Obligations

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2.11 Council shall, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Act; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

Council shall not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and shall not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet the costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

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ADDITIONAL EXPENSES FOR THE MAYOR

Allowances and expenses

- 2.12** An additional annual fee is paid to the Mayor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

There are no other Mayoral allowances and expenses in this Part.

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Part 3 PROVISION OF FACILITIES

GENERAL PROVISIONS

Provision of Facilities Generally

- 3.1** Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Management Plan.

All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

Private Use of Equipment and Facilities

- 3.2** Councillors shall not generally obtain private benefit from the provision of equipment and facilities. This includes receipt of a travel bonus or other benefit arising from a loyalty scheme. However, incidental personal use of Council equipment and facilities may occur from time to time. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

If a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

EQUIPMENT AND FACILITIES FOR COUNCILLORS

Equipment and Facilities at the Council Administration Building

- 3.3** Councillors shall be provided with equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Councillors Room and resources

A room furnished for use by all Councillors shall be provided by Council. Included in the Councillors Room shall be:

- A computer, printer and peripherals for use by all Councillors
- A website directory of relevant local government internet sites
- A technical library
- Councillors' robes for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided to support to all Councillors. The Executive Assistant shall be responsible to the General Manager.

Correspondence Processing

Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office. Council shall provide letterhead for use by Councillors in replying to correspondence.

Council shall provide follow up procedures for correspondence by Councillors. Such follow-up for correspondence is to be carried out by the General Manager or delegate.

Copies of all correspondence by Councillors including facsimile transmission sheets shall be placed in folders in the Councillors' Room for reference by all Councillors.

Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.

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Meals and Refreshments

Prior to or after Council and Committee meetings the Councillors shall be provided with a suitable meal including refreshments. The standard of the meal provided shall be determined by the Mayor in consultation with the General Manager.

Car Parking

Three (3) car parking spaces shall be provided for Councillors in the Council car park at the Council administration building except on Committee meeting nights, public meetings and Council meeting nights when a further six (6) car parking spaces shall be allotted in the same car park.

Equipment and Other Items Required to be Returned

3.4 Upon election to office Councillors shall be provided with certain equipment and other items that shall be returned when the Councillor ceases to hold office. The following equipment and other items shall be provided under this clause:

- Printed copy of the current relevant Local Government and Planning Legislation
- Brief case to the maximum cost of \$200
- Dictaphone (either hand held or desk variety) and cassettes to the maximum cost of \$200
- Facsimile/telephone machine to the maximum cost of \$500
- Filing cabinet for Council Business Papers and other Council correspondence to the maximum cost of \$300
- Bookcase to the maximum cost of \$200
- Personal computer, peripherals and software to the maximum cost of \$4000
- Security card to enable entry to Council's administration building
- Car parking stickers to enable the Councillor to park in any Council car park at any time for an unlimited period when discharging the functions of civic office. A list of Council's car parks shall be supplied also. No time restriction shall be imposed on an identified Councillor's private vehicle whilst parked in a parking space located at the Council administration building and the adjacent car parking area.

Other Items Not Required to be Returned

3.5 Upon election to office and where applicable throughout the term of office Councillors shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Councillor ceases to hold office. The following items shall be provided under this clause:

- Name badge
- Minor items of stationery to the maximum cost of \$100 each year of term.
- Transport to and from the Council administration building or other sites for meetings when the Councillor's own mode of transport is not available
- 100 Christmas cards each year of term
- A copy of clippings (weekly) from the newspapers relating to matters affecting local government in general and Ku-ring-gai in particular
- 500 business cards each year of term
- Corporate attire and presentation gifts for use in connection with civic functions, e.g. tie, scarf, spoon etc.
- Street Directory
- Refreshments/meals when undertaking official Council business (satisfactory explanation of official Council business required to support claims)
- Copies of the most recent Electoral Roll for all Wards
- Facsimile transmission sheets
- A raincoat and one pair of protective footwear for site inspections during inclement weather
- Replacement consumables, such as tapes, inks, and toner (not including paper) for the continued operation of the equipment provided in clause 3.4.
- 5,000 sheets of plain white paper per year of term

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ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Equipment and Facilities at the Council Administration Building

- 3.6** The Mayor shall be provided with additional equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Mayoral Office and resources

Council shall provide:

- A furnished office
- A computer, printer and peripherals
- Mayoral letterhead
- Mayoral robes for official, civic and ceremonial use
- Mayoral Chain of Office for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided with equivalent experience, responsibilities and skills to that of the General Manager's Executive Assistant. The Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

Car parking

An allocated parking space shall be provided at the Council administration building.

Equipment and Other Items Required to be Returned

- 3.7** Upon election to office the Mayor may be provided with certain equipment and other items that shall be returned when the Mayor ceases to hold office. The following equipment and facilities shall be provided under this clause:

- Mayoral vehicle up to the standard of a Holden Statesman Caprice. The Mayoral vehicle shall be fully maintained by Council for the use by the Mayor for official, civic and ceremonial functions and appropriate use

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arising out of or in the course of the Mayor's official, civic and ceremonial functions. A petrol card shall be supplied to fuel the Mayoral vehicle at Council's cost for official use only.

- Mobile telephone costs additional to that provided under clause 2.7. The call limits referred to in clause 2.7 shall be increased by \$100 per month, making a total of \$300 per month and the data allowance shall be increased by 100 megabytes per month, making a total of 200 megabytes per month.

Other Items Not Required to be Returned

3.8 Upon election to the office and where applicable throughout the term of office the Mayor shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Mayor ceases to hold office. The Mayor shall receive all of the items listed for Councillors under clause 3.5 and the following:

- Name badge
- Refreshments when fulfilling the role of Mayor
- An additional 100 Christmas cards each year of mayoralty, making a total of 200 cards during each year of mayoralty.
- An additional 250 Business cards each year of mayoralty, making a total of 750 cards during each year of mayoralty.
- Additional corporate attire and presentation gifts e.g. Council ties, scarves, spoons, cuff links etc for own use and presentations as appropriate and gifts suitable for younger persons.

Part 4 OTHER MATTERS

Acquisition and Returning of Facilities and Equipment by Councillors

- 4.1** Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the depreciated value of the equipment as recorded in the Council's books of accounts at the time of ceasing to hold office. This clause does not include a vehicle.

Status of the Policy

- 4.2** This Policy was prepared having regard to Department of Local Government Circular No. 06-57 dated 5 September 2006 "Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors. This is the first version of the Policy to be based on Circular No. 06-57. This Policy replaces the previous version of the Policy adopted by Council on 8 March 2005, Minute no. 68.

This Policy was adopted by Ku-ring-gai Council at its meeting held on <date>, Minute no. <>. The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

INTERNET AND EMAIL AND WORKPLACE SURVEILLANCE POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council two policies on Internet and Email Usage and Workplace Surveillance for consideration and adoption.

BACKGROUND:

In order to protect the integrity of Council's information technology systems and comply with legislation regarding workplace surveillance, policies have been prepared for Council's consideration and adoption.

COMMENTS:

An Internet & Email Usage Policy has been in place internally for Council employees for approximately the past four years and a Workplace Surveillance Policy was circulated to all staff in February 2006. This report seeks to notify Council of these policies and have them formally adopted by Council.

RECOMMENDATION:

That Council adopts the Internet & Email Usage Policy and Workplace Surveillance Policy.

PURPOSE OF REPORT

To present to Council two proposed policies on Internet & Email Usage and Workplace Surveillance for consideration and adoption.

BACKGROUND

In order to protect the integrity of Council's information technology systems and comply with legislation regarding workplace surveillance, policies have been prepared for Council's consideration and adoption, **Attachment 1** and **Attachment 2**.

COMMENTS

An Internet & Email Usage Policy has been in place internally for Council employees for approximately the past four years. The purpose of the Policy is to regulate and ensure appropriate use of email and web browsing activities on the internet using Council's information technology systems. The Policy also addresses issues such as privacy, prohibited conduct, record keeping and security. Over the past few years the Policy has been used internally with all staff who use the internet and/or email signing a declaration regarding their usage in accordance with the Policy.

In October 2005 the New South Wales Parliament passed legislation regarding workplace surveillance, **Attachment 3**. The Act deals with surveillance of employees by means of camera, computers or tracking devices and requires that employees are notified as to the nature of that surveillance. The proposed Policy has been prepared to ensure that Ku-ring-gai Council complies with the requirements of the Act and does not provide for, or signal, any changes to the existing practices of Council. A Workplace Surveillance Policy was circulated to all staff in February 2006.

This report seeks to have both of these policies formally adopted by Council.

CONSULTATION

Not Applicable

FINANCIAL CONSIDERATIONS

There are no financial implications associated with the adoption of the recommendations contained within this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All staff have been notified of these policies and all users of internet and/or email on Council's systems have signed a declaration stating that they are aware of the Policy and its requirements.

SUMMARY

An Internet and Email Usage Policy has been used internally for the past few years, while a Workplace Surveillance Policy was circulated to all staff in February 2006. This report seeks to notify Councillors of these policies and seek formal adoption by Council.

RECOMMENDATION

That Council adopts the Internet and Email Usage Policy and Workplace Surveillance Policy.

John Giovinazzo
Manager Information Services

John Clark
Acting Director Finance & Business

Attachments:

- 1. Internet and E-mail Policy - 579740**
- 2. Workplace Surveillance Policy - 579176**
- 3. NSW Workplace Surveillance Bill 2005 - 579972**

Ku-ring-gai Council**INTERNET & E-MAIL POLICY****Purpose**

The purpose of this policy is to regulate and ensure the appropriate use of e-mail and web browsing activities on the Internet using Council's Information Technology (IT) system:

- to protect Council's confidential information, intellectual property, operating efficiency and reputation, and
- prevent unlawful behaviour including but not limited to harassment and discrimination.

Scope

This policy applies to all persons using Council's IT system.

This policy should be read with:

- Council's Code of Conduct
- Council's Workplace Surveillance Policy
- other Council policies and procedures

This policy is subject to compliance with the relevant laws including but not limited to:

- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Independent Commission Against Corruption Act 1988
- Freedom of Information Act 1989
- Workplace Surveillance Act 2005

Council Property

Council's IT system is Council property. The system is to be used to support Council's operations and help you do your job better. It is not intended for your personal use.

However, minimal personal use is allowed as long as it does not:

- interfere with your work or that of others;
- interfere with Council's operations;
- conflict with this policy or any Council policy or procedure, and
- result in Council incurring unauthorised costs

Privacy

You should not assume any privacy or level of confidentiality regarding communications sent or activities undertaken using Council's IT system. Whilst Council will comply with relevant laws, it reserves the right to monitor and check e-mail and web browsing activities to:

- ensure compliance with this policy;
- protect the security and integrity of its IT system;
- ensure legal compliance;
- ensure risk assessment

Persons authorised to access and monitor your e-mail and web browsing activities are:

- Information Technology staff;
- the General Manager;
- other person or persons authorised by the General Manager from time to time

Prohibited Conduct

You must not use the system to send, solicit, display, print or otherwise disseminate material that is illegal, fraudulent, harassing, pornographic, obscene, sexually explicit, defamatory, intimidating, offensive or embarrassing including but not limited to messages containing sexual comments or innuendo or offensive comments regarding gender, sexual orientation, age, race, religious or political beliefs of persons or other grounds of unlawful discrimination.

You must not use the system for your own business purposes, for non-Council related written material to political organisations or of a political nature or destructive programs (i.e. viruses and/or self-replicating code).

If you observe or encounter any such material you should report it to your Supervisor, Manager, Director or General Manager immediately.

Authorised Use

As Council property, its IT system is primarily intended for furthering Council's interests and helping you to do your job as well and efficiently as possible. Some personal use is allowed provided that it is infrequent and brief and in line with this policy.

Record Keeping

Statement

- (a) E-mail messages and their attachments are corporate records if they document Council's business and activities and are needed to be retained as evidence of those actions.
- (b) All corporate records, irrespective of their form or substance are required to be retained in a manner and for a period, which complies with the requirements of the General Records Disposal Schedule for Local Government.

(c) Corporate records include, but are not limited to the following:

- Council reports & associated documents
- Policy documents and statements
- Formal minutes of Council Committees
- Formal communications between Council Officers
- Formal communications between Council Officers and external agencies, organisations or individuals

E-mail Received at Council's Official Address (kmc@kmc.nsw.gov.au)

- (a) All e-mail received at Council's official address will be dealt with in accordance with Records procedures for the receipt and handling of incoming mail.
- (b) The Records Team are responsible for opening the E-mail and determining whether the item requires registering or otherwise.
- (c) Should the Records Team deem that the item requires registration the E-mail will be registered in Council's Electronic Document Management System (EDMS) and forwarded to the appropriate officer of Council.

E-mail Received by a Council Officer

- (d) E-mail received will either originate from an external source or internally.
- (e) E-mail received from an external source must be registered in Council's EDMS if items received relate to a business activity of Council.
- (f) E-mail received internally that does not constitute "official" correspondence, will be the responsibility of each staff member to be dealt with accordingly.

Retention and Management of E-mail Corporate Records

- (g) As with paper records, the custody and disposal of electronic records is the responsibility of the Records Team. This responsibility can only be met if internal E-mail satisfying the criteria of corporate records is registered in Council's EDMS by the message originator.

Legal Issues

- (h) For legal purposes, E-mail has the same standing in court as paper documents. The laws of Copyright, libel, discrimination and trafficking in prohibited goods and services can be applied to E-mail and attachments.
- (i) Care should always be taken to ensure that E-mail messages contain nothing which could bring Council into disrepute or subject it to legal action.

Security

Improper use of Council's IT system may threaten its security, the privacy of staff and others and put Council at risk of legal liability. Council has put into place appropriate controls to minimise security risks, such as:

- firewalls
- classification and transmission protocols for business records
- regular risk assessments

You must take care to ensure compliance with this policy and to help maintain its security.

Follow log-on procedures, use passwords when required, keep them confidential and do not encourage or allow improper or unauthorised use.

All material down-loaded from the Internet or from computers or networks that do not belong to Council (including e-mail attachments) must be scanned for viruses and other destructive programs before being placed on Council's IT system.

Ku-ring-gai Council

INTERNET & E-MAIL POLICY

I, _____ (Full name in block letters)

Department _____ Location _____

Position _____

understand and agree that:

1. E-mail messages (incoming and outgoing) and their attachments are corporate records if they document Council's business and activities and are needed to be retained as evidence of particular matters.
2. All corporate records need to be retained in a manner and for a period, which complies with the requirements of the General Records Disposal Schedule for Local Government.
3. The use of any communication systems to make or send fraudulent, unlawful, inappropriate or abusive information or messages is prohibited. Councillors and employees are to report any threatening, intimidating, or harassing electronic messages to their Manager or the General Manager.
4. Inappropriate use includes, but is not limited, to, any use of Council's Internet and E-mail facilities for intentionally transmitting, communicating or accessing pornographic or sexually explicit material, images, text or other offensive material.
5. It is inappropriate to transmit, communicate or access any material which may discriminate against, harass or vilify colleagues or any member of the public.
6. Reasonable private use of the Internet and E-mail is a privilege and such use needs to be kept to a minimum.
7. Unlike items of personal property that I might keep in a desk drawer or locker, electronic messages I send or receive at work are not my personal property. Council reserves the right to check E-mail and Internet access and use in accordance with this Policy, as a precaution against inappropriate use.
8. Employees must use the Intranet Bulletin Board to disseminate non-work related notices such as For Sale and Social Club events, minutes and newsletters for and from internal staff, committees and groups and non-urgent broadcast messages.
9. I have read and am aware of Council's Workplace Surveillance Policy and understand that surveillance is in place from the time I first login to the Council's computer systems.

I have read and am aware of Council's Internet and E-mail Policy and will comply with them.

I also understand that any breach of this policy may result in disciplinary action including dismissal from employment and/or legal action, or access being revoked for Internet and E-mail facilities.

(Users Signature)

(Date)



Ku-ring-gai Council

Workplace Surveillance Policy

Status: Current
Version: 1.0

Author: John Giovinazzo
Created: 09/01/2006 5:12:00 PM
Last Saved: 04/12/2006 8:13:00 AM

Effective Date: 01/02/2006
Review Date: 01/02/2007

Approval Authority: General Manager, John McKee
Approval Date: 01/02/2006
Expiry Date: This policy does not expire.

TRIM Document ID: 579176

Ku-ring-gai Council

Workplace Surveillance Policy

Purpose

The purpose of this policy is to ensure that Ku-ring-gai Council complies with the requirements of the Workplace Surveillance Act 2005 that commenced on 7 October 2005. The Policy does not provide for, or signal any changes, to the practices of the Council. However, the Act requires that employees be formally notified of any actions by the Council that would fall within the definitions of surveillance.

The Act deals with surveillance of employees by means of cameras, computers or tracking devices and requires that employees are notified as to the nature of that surveillance. The notice provided to staff must indicate:

1. the kind of surveillance to be carried out (camera, computer or tracking)
2. how the surveillance will be carried out
3. when the surveillance will start
4. whether the surveillance will be continuous or intermittent
5. whether the surveillance will be for a specified limited period or ongoing

Any surveillance type activity that is undertaken by the Council must be in accordance with the Act and specifically the notice provided to employees. Any surveillance outside the parameters of the notice is considered to be covert surveillance and must be authorised by a Magistrate.

Definitions

Under the Workplace Surveillance Act 2005, surveillance of an employee means surveillance of an employee by any of the following means:

1. camera surveillance, which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place;
2. computer surveillance, which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and the accessing of Internet websites);
3. tracking surveillance, which is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning System tracking device).

Policy Statement

Ku-ring-gai Council is committed to meeting its statutory obligations under the Workplace Surveillance Act 2005 and this Policy in conjunction with the Internet and Email Policy represents the formal notification to employees about activities of the Council that fall within the statutory definitions of surveillance.

Appendix A to this policy details instances of activity by the Council that are covered by the surveillance provisions, being: camera surveillance; computer surveillance; and tracking surveillance.

Ku-ring-gai Council will also comply with the legal requirements of the Act where surveillance is prohibited. These are contained in Part 3 of the Act (sections 15 to 18) and cover:

1. a prohibition on surveillance in any change room, toilet facility, shower or other bathing facility at the workplace;
2. a prohibition on surveillance when the employee is not at work except in cases of computer surveillance where the employee is using equipment and/or resources supplied by the Council. If staff connect to the Council via a private computer, such surveillance shall be restricted to Council equipment only;
3. a prohibition on blocking the delivery of emails unless notice (prevented delivery notice) has been given to the employee or where the incoming communication is perceived to be spam or a threat to the security of the Council's systems or contains potentially menacing, harassing or offensive material; and
4. a prohibition on preventing delivery of an email or access to a website merely because it has been sent by or on behalf of an industrial organisation of employees or contains information about industrial matters.

A Copy of the Workplace Surveillance Act 2005 is available for review in Information Technology, or alternatively may be downloaded from the [Parliament of NSW](#) website.

Appendix A

Camera Surveillance

Security Cameras

Ku-ring-gai Council operates security cameras both in and around its buildings. This is for the purpose of ensuring the safety and security of staff, visitors and the Council's premises and facilities. Cameras are not used for the surveillance of any persons but camera footage may be accessed and used as evidence where an act (e.g. assault of a person, damage to facilities) has occurred that warrants investigation by the Council. Such records may also be required by law to be provided to other parties such as a Court or to the Police.

Notices that the Council's premises are monitored by cameras are located at each of the entrances to each building or facility. Security cameras are located in and around facilities requiring security monitoring for the safety or security of individuals or property and are not disguised in any way.

Security cameras are in place as at the date of approval and circulation of this policy. Camera security monitoring is continuous and ongoing.

Mobile Telephone Cameras

Cameras in mobile telephones supplied by the Council are not to be used to record images of any persons without their knowledge or consent.

Computer Surveillance

General Use of Ku-ring-gai Council Information Technology Systems and Facilities

Use of the Council's computers and associated systems is governed by the Internet and Email Policy.

That policy prescribes the conditions under which employee access is provided to the Council's Information Technology facilities and systems.

In accordance with that policy, the General Manager, authorised staff of the IT Department, or other authorised personnel may access Council computers, computer logs and other system records, databases and backups to ensure the security, confidentiality, availability and integrity of Council IT systems.

From time to time the Council may investigate alleged breaches of the law or Council policies by staff using its IT systems and facilities and this can involve accessing the staff member's computer and electronic records. For staff, such investigations may involve misconduct and are managed in accordance with the provisions of the relevant staff Code of Conduct.

The Council monitors staff use of Council computers and IT systems in the following areas:

1. Council workstations, servers, email and network services, printers, network connected devices, and connections to the internet.
2. The Council retains logs, backups and archives of computing activities, which may be audited. Such records are the property of the Council, are subject to State and Federal laws and may be used as evidence.
3. Monitoring may include, but is not limited to; storage volumes, download volumes, breaches of intellectual property laws, suspected malicious code or viruses.

Computer surveillance is continuous and ongoing and is in place as at the date of approval and circulation of this policy.

Email and Internet

Email of staff members is not routinely read or monitored. However, emails are records of the Council and should be managed accordingly and will be accessible in that context. An email may also be the subject of an application under FOI or privacy legislation.

The Council may access and monitor staff use of the Council email and internet systems in the following ways:

1. The Council monitors email server performance and retains logs, backups and archives of emails sent and received through the Council's email server. Even where the user has deleted an email, the Council may still retain archived and/or backup copies of the email. Only staff authorised by the General Manager may examine such records.
2. The Council retains logs, backups and archives of all internet access and network usage. These records may be audited, are subject to State and Federal laws and may be used as evidence. While individual usage is not routinely monitored, unusual or high volume activities may warrant more detailed examination.
3. for the purposes of producing the email in response to a legal requirement or other lawful investigation;
4. for the purpose of determining, as part of an investigation by the Council, whether there has been unacceptable use of email to abuse or harass other persons.
5. for the purpose of determining whether there has been a breach of the Council's policies in the use by the staff member of the Council's resources to access the internet.
6. for the purpose of investigating allegations of misconduct or to provide materials to external investigative authorities lawfully investigating possible criminal conduct.

Email and Internet surveillance is continuous and ongoing and is in place as at the date of approval and circulation of this policy.

Tracking Surveillance

The Council currently does not operate any tracking devices of the kind provided for in the legislation. Should the Council in the future utilise any tracking devices (such as Global Positioning System tracking devices) for its equipment staff will receive formal notification and this policy will be updated. The purpose of such tracking devices would be to maintain safety and security and not to monitor the location of staff.

FIRS ESTATE COTTAGE, ROSEVILLE PARK - OUTCOME OF EXPRESSION OF INTEREST

Ward: Roseville

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report on the results of the calling of Expressions of Interest (EOI) for the use of the Firs Estate Cottage and to recommend that Council enter into a lease for a period of five (5) years with the preferred proponent.

BACKGROUND:

Council, at its meeting on 27 July 2004, resolved to undertake repairs and maintenance to Firs Estate Cottage at an estimated cost of \$93,000 and to call for EOI for the use of the cottage as a cafe.

COMMENTS:

Two Expressions of Interest were received and they have been assessed.

RECOMMENDATION:

That Council adopt the Resolution and that negotiations be entered into for the granting of a lease to the preferred proponent.

PURPOSE OF REPORT

To report on the results of the calling of Expressions of Interest (EOI) for the use of the Firs Estate Cottage and to recommend that Council enter into a lease for a period of five (5) years with the preferred proponent.

BACKGROUND

Firs Estate Cottage is a Council owned residential property located within Roseville Park. It is thought to have been built between 1875 and 1900, and is considered by some to be among the oldest buildings in Ku-ring-gai. The cottage is of Edwardian Style, construction is of brick and timber with a fibro extension.

The land is classified Community Land (within the meaning of the Local Government Act 1993) and categorised "General Community Use" and "Area of Cultural Significance".

In the past it has been tenanted by Council staff, but has not been occupied for the past nine to ten years, and had been in a semi derelict condition, requiring considerable repairs, maintenance and refurbishment.

In September 2002, Expressions of Interest (EOI) were called to lease, operate and manage the cottage. The Expression of Interest included the option for proponents to undertake the restoration at their cost and be granted a rent holiday, or that Council carry out the works and fund the restoration and the successful applicant pay market rent.

On 17 December 2002 Council resolved to enter into a lease agreement for five years with the preferred proponent. Public notification commenced on 25 March 2003. Following the public notification period the applicant was required to submit a DA for the proposed use of the land and improvements to the building.

On 13 August 2003, Council was advised that the partnership that was formed to lease, operate and manage the premises as a café was dissolved. In January 2004, the DA was refused on the grounds that critical information had not been made available by the applicant.

Council, at its meeting on 27 July 2004, resolved to undertake repairs and maintenance to Firs Estate Cottage at an estimated cost of \$93,000 and to call fresh EOI for the use of the cottage as a café.

Between December 2004 and May 2006, Council undertook repairs and maintenance identified in the Tyrell's Maintenance report dated 2001. Essentially the building maintenance undertaken was of a structural nature or maintenance/repairs that would be deemed as an owner's responsibility.

A Memo dated 7 August 2006, was issued to Councillors advising that maintenance works at the Cottage had been completed in budget, and that the EOI for the lease of Firs Estate Cottage would be invited, and advertised in both metropolitan and local newspapers.

COMMENTS

The cottage is a locally listed heritage item within Schedule 7 of the KPSO, on land classified as community, and zoned Recreational 6(a). The permitted uses identified in the Firs Estate Plan of Management are:

- Casual and permanent hire for recreation/leisure activities including community events
- Community group meeting and activities
- Passive recreation
- Childcare/preschool/playgroup*
- Residential/Caretaker
- Museum/Art Centre/Antique Shop
- Low key commercial uses (e.g. café, art gallery) within the limits imposed by the Plan, existing zoning and requirements of relevant legislation*

*The Ku-ring-gai Planning Scheme Ordinance (KPSO) includes a heritage incentives clause (61H) which allows a heritage listed building or listed land to be used for any purpose with consent. This means that even uses normally prohibited by a zoning can take place, if the conservation of the building or structure depends on that use and if there is no amenity effect.

Between August and September 2006, an EOI information package was provided to interested persons. Included in the package was an outline of the process being undertaken by Council, the Plan of Management, Conservation Management Plan, proposed lease requirements and the selection criteria. The aims and objectives of the EOI were to;

- Maximise the use of Firs Estate Cottage in the best interest of the community
- Maintain the fabric of the building
- Provide a financial return to Council

The EOI closed on 20 September 2006, with two (2) submissions being received. Copies of the submissions are attached (**Attachment A – confidential**).

Assessment Process

The selection criteria for assessment of the submissions are:

- Consistency with the Local Government Act, 1993 community land provisions and the Firs Estate Cottage, Roseville Park, Roseville Plan of Management
- The proposed use of the Cottage and its surrounds and the likelihood of the Council as a consent authority consenting to such proposal
- The financial return from the proposed lease to be received by the Council
- The time frame proposed for completion of the upgrade of the Cottage
- Experience, expertise and management skills of the proponent/s

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- References from referees submitted by the proponent/s
- Financial strength of the proponent/s including the ability of the proponent/s to finance the proposed upgrade of the Cottage.

An assessment panel was formed comprising staff from Finance and Business, Technical Services and Open Space. The panel undertook an assessment of each proposal against the criteria. The assessments were done on an individual basis and then the results were consolidated (**Attachment B**) and an average obtained. The final scoring out of a maximum possible of 35 was;

- 28.5 - Sous le Soleil
- 19.3 - My Friends and I.

As only two submissions were received each proponent was interviewed to clarify aspects of their submissions.

The Proposals

The following is a brief overview of the proposed use of the cottage, the financial investment to the cottage by each proponents and any requested funding sought as part of Council's contribution.

My Friends and I Pty Ltd

This proposal seeks a five (5) year lease term to utilise the cottage as a café supporting community activities including:

- Historical presentation of cottage and area
- Mothers groups and family activities
- Playgroup activities
- Roseville Park user groups
- Community groups including Heritage Society

This proposal suggests further expenditure by Council in the vicinity of \$102,800 pertaining to both internal and external upgrades of the cottage. Additional upgrades for consideration by Council are to reinstate the picket fencing, upgrade of public toilets and playground area.

This proponent proposes a percentage rental return to Council, with Council being responsible for undertaking any auditing requirements to confirm accuracy of revenue and subsequent payments. Overall the information contained in the submission lacks detail and provides a minimal financial return to Council. A basic financial plan is included.

Sous le Soleil

This proposal seeks a five (5) year lease term to utilise the cottage for sales of high quality antiques, paintings, associated furnishings, home wares and outdoor items. Combined with a Tea room/café providing refreshments and an area for social events such as art exhibitions on a semi regular basis.

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This proposal details expenditure to upgrade the property by the proponent in the vicinity \$105,800. The proponent suggests a contribution by Council of \$25,000, to upgrade the public toilets attached to the cottage, after which the proponent will undertake the ongoing cleaning and provision of consumables.

The proponent proposes an annual rental which provides a significant financial return to Council. Overall this submission was extremely detailed and supported by heritage and building consultants' assessments and costs, along with a detailed financial and business plan, and evidence of the financial capacity of the proponents.

Impacts on Roseville Park & Residential Amenity

Overall both proposals comply with the requirements of the Firs Cottage Plan of Management (POM). The hours of use will be in accordance with the POM.

Access for Deliveries & Parking

Any future use has the potential to generate an increase in local traffic. Predominately these issues will be dealt with at DA stage with relevant internal staff contributing to the assessment process.

Onsite meetings with staff from Council's Open Space Department have been held to discuss access alternatives for delivery vehicles, especially in relation to the Sous le Soleil submission. The possibility of providing rear access to the cottage from Cranbrook Avenue has been identified as one solution, and a potential driveway being established that would be sympathetic to the existing heritage surrounds. In addition, Roseville Park contains an unmarked car park which provides parking for approximately 40 vehicles.

Waste Management

Both proposals have requested to use the groundsman shed at the rear of the cottage to store waste bins. Council staff from Open Space Department have confirmed that the shed is no longer utilised by Council. The containment of the waste bins within a confined and lockable area is preferred, and the exclusive use of this area would be covered within the lease/licence documentation.

CONSULTATION

Section 47 & 47A of the Local Government Act requires Council to give public notice of a proposed lease over community land. It should be noted that the public notification of the proposed lease should only be undertaken after the school holiday period in January 2007, to ensure that any residents absent during this holiday period have an opportunity to respond.

Further notification will be undertaken with the assessment of the development application.

The development application assessment process will not only address the above issues, but other planning requirements. Ultimately a report will be submitted to Council to approve the development application and provide consent.

FINANCIAL CONSIDERATIONS

The details of the financial returns to Council in each proposal are summarised in a confidential attachment (**Attachment C- confidential**).

The financial return from the Sous le Soleil proposal substantially exceeds the return from the My Friends and I proposal. Over time, funds received from the rent of the cottage will recoup Council's expenses in upgrading the property and provide revenue to Council over the course of the lease period.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Representatives from Finance & Business, Open Space and Technical Services have participated in the assessment of the proposals and in the preparation of this report.

SUMMARY

Following the calling of EOI for the use of Firs Estate Cottage and the receipt of two submissions, an assessment of the submissions against the criteria has resulted in Sous le Soleil being the preferred proponent.

As a result of the assessment process outlined above and information detailed in the confidential attachments, it is recommended that Council enter into a five (5) year lease, subject to DA approval, with Sous le Soleil for Firs Estate Cottage.

RECOMMENDATION

- A. That the submissions from My Friends and I Pty Ltd and Sous le Soleil in respect of Firs Estate Cottage, be received and noted and the proponents be thanked for their submissions.
- B. That it be noted that following assessment of the submissions against the relevant criteria, Sous le Soleil is Council's preferred proponent to lease Firs Estate Cottage.
- C. That Council enter into a lease agreement for five (5) years with Sous le Soleil, subject to DA approval.
- D. That the execution of all documents relating to the development application and the lease be delegated to the Mayor and General Manager.

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- E. That Council affix the Common Seal to any necessary documents.
- F. That public notification of the proposed lease is to be undertaken in accordance with Section 47A of the Local Government Act 1993.

Deborah Silva
Commercial Services Co-ordinator

John Clark
Acting Director Finance & Business

Attachments: **Attachment A: Submissions from Sous le Soleil and My Friends & I (Confidential)**
 Attachment B: Assessment Panel Scoring (Confidential)
 Attachment C: Comments & Financial Considerations (Confidential)

"WORKING TOGETHER" DRAFT STRATEGIC PLAN FOR HISTORIC HOUSE MUSEUMS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council "Working Together", the draft Historic House Museums Strategic Plan.

BACKGROUND:

Council's Cultural Plan was adopted in 2004. An addition to the Cultural Plan was that it include provision for plans for possible curatorial assistance for Tulkiyan.

COMMENTS:

Council's Cultural Plan contains a framework for specific goals and actions aligned with the draft Historic House Museums Plan. These include the establishment of a Collection Management Working Party, and Council taking the lead in working with the Historic Houses Trust of NSW, Eryldene Trust and Museums and Galleries NSW, in the coordinated development of a local House Museums curatorship position.

RECOMMENDATION:

That "Working Together", the draft Historic House Museums Strategic Plan, be placed on public exhibition, and that any comments on the plan be reported to Council.

PURPOSE OF REPORT

To present to Council "Working Together", the draft Historic House Museums Strategic Plan.

BACKGROUND

Council's Cultural Plan was adopted in 2004. An addition to the Cultural Plan was that it include provision for plans for possible curatorial assistance for Tulkiyan. In exploring possibilities to engage curatorial assistance, it was recommended that a Strategic Plan be developed for Tulkiyan and Eryldene. Council staff applied for funding from NSW Ministry for the Arts to develop a Strategic Plan, and was successful in obtaining a Museum Development Grant in 2005 to undertake this project. In March 2006 Council appointed Australia Street Company to develop the draft Strategic Plan.

COMMENTS

Cultural Plan

Council's Cultural Plan contains framework for specific goals and actions aligned with Historic House Museum Plan. The relevant goals and actions proposed in the Cultural Plan are that:

- A Collection Management Working Party be established by December 2006.
- Council take the lead in working with the Historic Houses Trust of NSW, Eryldene Trust and Museums and Galleries, NSW in the coordinated development of a local House Museums curatorship position which could also include Tulkiyan by April 2008.

Council's Role

Council has an opportunity to take a leadership role in fostering opportunities for heritage agencies to work cooperatively in providing resources and support that will enable the heritage house museums to be presented in a significant and memorable way to visitors and to contribute to cultural tourism in Ku-ring-gai.

In particular, Council will be able to more effectively manage Tulkiyan, including its gardens and contents, according to best practice management principles for house museums. It is anticipated that Ku-ring-gai has potential to be further recognised as a unique location for its range of magnificent architectural and landscapes and gardens, of which, Tulkiyan and Eryldene are fine examples.

Developing the Plan

In developing the draft Strategic Plan, a task force, consisting of Councillors and community members, specialist staff, and representatives from museum sector organisations, Galleries Foundation, and The Historic Houses Trust, was established.

The draft Strategic Plan recommends a series of four goals which provide a mechanism for achieving the agreed vision which is supported by actions and time frames.

Grant Application

In order to submit a grant application to the Ministry for the Arts for funding for curatorial support, it was recommended that a Strategic Plan for the management of both Tulkiyan and Eryldene be developed. Hence “Working Together” is the Strategic Plan that responds to a collective vision that is shared by community representatives, key stakeholders, specialists and representatives from museum sector organisations.

The draft Strategic Plan will therefore support Council’s application for funding from the Ministry for the Arts for partial funding for a curatorial/heritage position for Tulkiyan and Eryldene should this initiative be progressed.

CONSULTATION

In developing the Strategic Plan, a task force was established to ensure maximum input from each sector. The task force consisted of elected representatives, senior and specialist Council staff, representatives from relevant government agencies, and local experts. Members of the task force also represented broad museum and heritage sector interests. Council officers, as ex-officio members of the task force, represented Tulkiyan, and although there were no specific representatives of Eryldene Trust on the task force, the consultation process ensured representation from Eryldene was incorporated into the plan. The project was designed to be consultative with extensive consultations, and a series of community workshops being conducted in the development of the draft plan.

FINANCIAL CONSIDERATIONS

Indicative financial sources have been provided in the draft plan for short term priority actions, many of which can be funded through existing sources. The draft plan therefore can be adopted by Council without immediate financial implications, however, in making application to the NSW Ministry for the Arts for a curatorship position, Council would be required to contribute matching funds. A further report to Council containing details of additional funding requests would be necessary before any application for grant funding could be made.

Likewise, any recommendations in the draft plan, which are not funded through existing budgets, would be reported to Council before implementation.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Community Services, Open Space, Development and Regulation, Finance and Business and Planning were consulted in the development of the Historic House Museums Strategic Plan.

SUMMARY

“Working Together” will provide a strategic template to guide and improve the management of Council’s heritage facilities, and to foster the development of partnerships with other house museums in collectively promoting Ku-ring-gai’s heritage to the community.

RECOMMENDATION

That “Working Together”, the draft Historic House Museums Strategic Plan be placed on public exhibition for a period of 40 days, and that any comments on the plan be reported to Council.

Juan Perez
Manager Cultural Development

Deborah Silva
Commercial Services
Coordinator

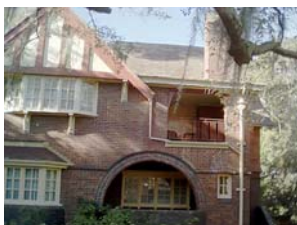
Janice Bevan
Director Community Services

Attachments: Draft Historic House Museums Strategic Plan 2006 to 2011 - 703705

Working together: Historic House Museums Strategic Plan 2006 to 2011

Prepared by Australia Street Company
for Ku-ring-gai Council

4 August 2006



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INTRODUCTION

Ku-ring-gai Council adopted a new Cultural Plan in 2004. The Plan was based on extensive community consultation and provides a broad approach to culture and cultural development as well as a firm foundation for integrating the arts and culture into Council's planning. The Cultural Plan, *Living Culture 2004 to 2009*, identifies a number of strategic goals and actions including strategies associated with the conservation, preservation and appreciation of Ku-ring-gai's heritage.

In 2005 Council was successful in its application for a museum development grant from the NSW Ministry for the Arts (now integrated into the Department of Arts, Sport and Recreation as Arts NSW). The grant application was developed following discussions with representatives of Eryldene and focused on the preparation of a Strategic Plan for Eryldene and Tulkiyan. Both properties are located in the Ku-ring-gai Local Government Area (LGA) at Gordon and are set up as historic house museums. Eryldene has in recent years been well regarded as a best practice example of a community-managed house museum under care and control of the Eryldene Trust whilst Tulkiyan is at the early stages of its recognition and evolution into a professionally managed, Council-owned house museum.

The grant also provides an opportunity to integrate the Rose Seidler House, managed by the Historic Houses Trust of NSW and also located within the Local Government Area, into Council's strategic planning and to work with the community to follow up on specific Goals and Actions proposed in the Cultural Plan. The relevant specific Actions in the Cultural Plan include:

- Establish a Collection Management Working Party by December 2006¹
- Take the lead in working with the Historic Houses Trust of NSW, Eryldene Trust and Museums and Galleries, NSW in the coordinated development of a local House Museums curatorship position which could also include Tulkiyan by April 2008.²

In March 2006 Council appointed the Australia Street Company to carry out the house museum planning project and a Task Force was established made up of an elected councillor, senior and specialist Council staff and representatives from sector organisations and local experts³. Members of

¹ Living Culture 2004-09, Goal 1 Action 5

² Living Culture 2004-09, Goal 3 Action 4

³ See Appendix 1

the Task Force represented broad museum sector interests. Council officers as ex-officio members of the Task Force represented Tulkiyan and although there were no specific representatives of Eryldene Trust on the Task Force, the Project provided opportunities for active liaison, consultation and feedback for key stakeholders including representatives of the Friends of Tulkiyan.

The Project was designed to be consultative and to ensure that best practice in collection management and trends in museum operations were taken into account. At its heart however was a commitment to planning for long-term sustainability. That is the building of alliances and cooperation between Ku-ring-gai's three house museums in order to encourage the best use of limited resources, to achieve economies of scale, to foster increased appreciation of local heritage assets and to develop Ku-ring-gai's cultural tourism economy.

PLANNING ISSUES

During interview, community workshop feedback, stakeholder comment and also based on known trends and issues in the museum sector the following have been identified for consideration. Feedback from the community workshop is documented at Appendix 3.

DEFINING THE TERMS

What are historic house museums and where do they fit within the museum sector? During workshops and interviews associated with this project knowledge about museums and house museums in particular was variable. Whilst some people indicated that they had never visited a house museum and were not aware that Ku-ring-gai had three such facilities, others were clearly house museum fans and could list numerous favourites.⁴ In discussion the role of house museums in providing an 'authentic experience' and a window into the lifestyle of earlier generations was identified as significant. Opportunities for displays and guides to tell stories related to the lives of those who were associated with the property were also identified as important along with the role that museums play in lifelong learning, education and community understanding.

As a general guide to the sector, the following definition was presented for consideration at the consultation workshop.

HISTORIC HOUSE MUSEUMS

*The historic buildings, formerly inhabited, now open to the public, showing their original furniture and their collections of historic, cultural, national artefacts, preserving the spirit of their illustrious owners and strictly linked with the historic memory of a community, would be considered a special category of museum.*⁵

⁴ Favourite house museums were: Calthorpe's House, Vaucluse House, Susannah Place, Rippon-Lea;

⁵ International Council of Museums (ICOM), Historic house Museums International Committee (DEMHIST), 1998.

One component in the significance of the three historic house museums in Ku-ring-gai and one that sets them aside as a group reflecting upon the heritage significance and cultural identity of Ku-ring-gai as a whole, is the fact that each house/ garden documents fine examples of Australian domestic architecture as well as traditions and lifestyles.

Following comments from workshop participants and key stakeholders including the Friends of Tulkiyan and Eryldene Trust, the following definition is proposed for this Study:

HOUSE MUSEUMS DEFINITION FOR THIS STUDY

The historic buildings and their significant gardens, formerly inhabited, now open to the public, showing their household contents including furniture, furnishings and ephemera such as receipts, diaries, plans, photographs etc in order to open windows of understanding into family lives in their settings in past times. Ku-ring-gai's historic house museums document, conserve, research, communicate, educate and interpret traditions and lifestyles and diverse architectural styles in Australia. At the same time Ku-ring-gai's house museums including their gardens provide enjoyable recreation, leisure and lifelong learning experiences for residents and visitors.

The issue is: to adopt the definition as a firm framework for the Historic House Museum Strategic Plan.

GOVERNANCE AND MANAGEMENT STRUCTURES

Each of the three historic house museums in the Ku-ring-gai Local Government Area operates under different governance and management structures. These differences present opportunities as well as potential threats to the development of an integrated strategic plan. They need to be understood and respected in the context of this Project and where governance is in a state of flux as is the case of Tulkiyan, best practice models need to be reviewed and evaluated and a preferred model developed that complements the other two models.

The following Table documents current practice.

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TABLE 1 GOVERNANCE MODELS

	ERYLDENE	TULKIYAN	ROSE SEIDLER HOUSE
Governance	Board of Directors of Eryldene Trust established in 1979. Trust has incorporated Company status.	Elected Council provides governance structure and has final decision making authority. Tulkiyan Sub Committee established as part of Ku-ring-gai Heritage Advisory Committee with no decision making powers.	Part of Historic Houses Trust. Trustees appointed by NSW Government.
Legal/ land status	Property purchased by the Eryldene Trust in 1979. Listed State Heritage Register.	Transferred to KMC via Deed of Trust 1984. Classified as community land and therefore subject to planning controls supporting sympathetic use. Listed State Heritage Register 2005. Has no formal status as a house museum.	Gift to the NSW State Government in 1985. Listed State Heritage Register.
Charitable status	Eryldene Trust and Foundation have charitable status for taxation purposes.	No charitable status and not registered as a cultural organisation that is eligible to receive tax deductible gifts.	HHT has charitable status for taxation purposes
Foundation	Separate and complimentary to the Trust. Raises capital funds to establish secure financial base.	No Foundation	HHT Foundation raises funds to benefit all properties in the portfolio.
Fundraising	Friends of Eryldene have a fundraising focus through programs and events. Venue hire – weddings, photo shoots etc. Rent paying tenant.	Charges entry fee. Until recently generated rental income from a tenant but this arrangement is under review.	Venue hire at Rose Seidler- functions, photo shoots.
Management	Employ 1 part time manager reporting to Board. Responsible for general property management as well as collection and programs.	Day to day operations are part of Coordinator, Commercial Services responsibilities. Coordinator reports to Finance and Business Directorate.	1 full time manager and 1 part time 4 hours pw. Curator. Reports to HHT senior management.

The governance models in place for the Rose Seidler House and for Eryldene work well and have done for some years. They clearly provide an appropriate framework for decision making in relation to policy and management and reflect well-established and professional practice in the sector. Tulkiyan on the other hand operates on a year by year basis where although Council has overriding responsibility, the facility has uncertain status, no dedicated management, no single line annual operating budget and only a cyclical maintenance budget utilizing funds from a broader Council-wide property maintenance program. Council has access to advice via an Interim Sub-Committee of the Heritage Advisory Committee as well as from the Friends group. These bodies have limited or uncertain roles and responsibilities.

MANAGEMENT MODELS

In order to establish improved management for the museum, Council needs to review the management options available. These include:

- Internal management by KMC within one Council Directorate and under the control of one senior Director and supported by specialist staff e.g curator
- Council program operated under delegation to a Committee formed under Section 355 of the Local Government Act
- Formal business relationship with a suitable agency whereby Council purchases specialist museum management services on a contract basis e.g. property maintenance/ curatorial/ programming services from e.g. HHT or National Trust of Australia (NSW Branch)
- Establish an independent entity such as an incorporated association or Trust to manage the property on behalf of Council.

Each model provides opportunity for community input and requires the provision of an annual budget or subsidy to cover costs such as specialist curatorial/ programming staff, property and grounds maintenance etc. Under each model Council retains ownership but in the case of the latter three models, Council delegates decision making to a Committee, an arms length agency or to an incorporated association.

Council is better able to influence strategic directions within the first model where there is a direct management line in relation to policy development, strategic planning and operational decisions. This may be preferable in the early establishment days when the museum is putting in place policies and

procedures for the future. Council could however introduce a mix of direct management and contract service provision based on a fee for service contract.

The issue is: to urgently evaluate current house museum governance models, clarify and confirm the property's status as a house museum and identify the most effective structure for Tulkian in order that it can meet Council and community planning and performance objectives.

OPERATING HOUSE MUSEUMS

Although every museum is unique there are significant operational activities that are shared across the sector. This is true of house museums and the experience in Ku-ring-gai is no exception.

Each of the historic house museums in the LGA identified the following key operational issues during interview and at the workshop:

- Need for specialist staff with museum collection management skills including documentation, interpretation and conservation
- Need for specialist staff skills in programming, education, property and garden management and maintenance
- Need for ongoing property maintenance resources including specialist and sensitive heritage trade skills
- Need for ongoing resources to maintain grounds and gardens
- Resources to coordinate/manage volunteers
- Resources to integrate Friends into overall strategic directions and to assist the development of fundraising initiatives
- Need to identify and engage a property team with specialist heritage craft skills in relation to the ongoing conservation of heritage properties including gardening, building maintenance – exterior and interior; design for adaptive reuse and development of space relevant to museum activities
- Resources to train volunteers in specialist museum methods
- Budgets for marketing and promotion
- Budgets to plan for and install relevant technology including database software and web support
- Budgets for museum standard building security
- Resources to support the design and maintenance of audience development and performance evaluation programs.

For comparative purposes operating budgets have been gathered for a number of smaller historic house museums. The following Table provides a snapshot of key costs and expenditure as well as income for 2004/5. Museums operated by State and local government, the National Trust of Australia (NSW Branch) and the community sector have been included. Although each facility attracts grants for various projects, these are not regular and vary in size. They have not been included in the following Table.

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TABLE 2 COMPARATIVE BUDGETS 2006

	CHIFLEY COTTAGE (BATHURST CITY COUNCIL)	ERYLDENE	MISS TRAILL'S COTTAGE (NATIONAL TRUST OF AUSTRALIA (NSW BRANCH))	ROSE SEIDLER HOUSE	TULKIYAN *
Income/ revenue	\$5,000 includes -entrance fees -booklet sales -special events -donations	\$105,000 includes -donations -Friends activities -Membership fees -Rent - Venue hire -entry fees (\$7/\$5 concession)	\$41,993 including -retail sales - tea room income - education income - entrance fees (\$8/\$4 concession) - functions - tours income	\$32,000 includes -entry fees - venue hire - filming/ photography - merchandise	\$12,588 includes -\$10,588 rent -\$2000 entry fees (\$8.50/\$5 concession) *Note: entry fee set by Council. Some visitor resistance reported. No merchandise/ publications.
Expenditure	\$45,937 includes -salaries (\$20,693) -super -training -telephone -electricity -garden -building	\$109,710 includes -salaries \$29,000 plus gardener - depreciation -insurance -Printing -Publicity -utilities - gardening - property maintenance - telecommunications	\$57,523 includes - salaries/ super \$34,710 - collection conservation - function expenses - grounds/ building maintenance - utilities - postage - rates - security - tour expenses - travel	\$ 124,000 includes - employee related expenses \$77,000 - retail - administrative expenses (cleaning, catering, utilities, insurance, telephone, and travel) - property maintenance including preventative and minor works, interpretation and	\$19556 includes -property maintenance -on costs - utilities * Tenant rental program is under review.

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	CHIFLEY COTTAGE (BATHURST CITY COUNCIL)	ERYLDENE	MISS TRAILL'S COTTAGE (NATIONAL TRUST OF AUSTRALIA (NSW BRANCH)	ROSE SEIDLER HOUSE	TULKIYAN *
			- telephone/ fax	object conservation.	
In kind support	Bathurst City Council provides general support including marketing, web support, IT systems, staffing on-costs etc.	Not relevant	National Trust of Australia (NSW Branch) provides access to economies of scale associated with publicity and promotion, specialised conservation advice, volunteer training etc.	Historic Houses Trust provides significant corporate support including access to research library resources, web site design and maintenance, marketing and publicity, IT support etc.	Until very recently systematic corporate support has not been provided to Tulkiyan.

Based on the general information available, the Eryldene budget seems to provide a true picture of the real operational costs of managing a small house museum. As has been highlighted earlier in this Plan, Eryldene including the house and its significant garden is highly regarded as a best practice and sustainable example of a community-based house museum. It operates within a tight resource base including a modest annual income stream and supports salaries for part time management as well as gardening/ horticulture skills.

The fact that Eryldene has remained open to the public is due almost entirely to the good offices of a committed group of volunteers. The result of this is that a significant saving of expenditure is effected each year.

The other museums (with the exception of Tulkiyan) all benefit from economies of scale provided as part of their relationships to a larger host organisation such as a local government council, a government agency or a not for profit cultural organisation. In reality it is likely that 30 to 50% of operational costs are supplied by the host agency. For example operational overheads, marketing support, web support, volunteer training, collection management etc.

SALARIES

Salaries for specialist staff present a significant component of operational costs. With the exception of Tulkiyan the museums listed in Table 2 engage staff ranging from full time to part-time and with a variety of skills and responsibilities. These include skills in museum management and administration, collection management, exhibition research and development and interpretation, facility management and promotion.

For indicative budget purposes, the following provides relevant salary ranges for full time specialist staff engaged in cultural institutions the NSW State public service⁶:

Curator/ Registrars	Base rate	5 th year rate	Senior
	\$57,629	\$68,905	\$83,034
Conservator	\$49,785	\$53,938	\$76,039

⁶ NSW State Public Service salary tables 1 July 2005

Education Officer	\$41,780	\$51,893	\$83,034
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Guide Lecturers	\$41,780		
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Casual Installation Officer \$23.21 per hour

The issue is: to adopt a business planning approach to the sustainable management of Tulkiyan including the development of a realistic annual operational budget that takes into account the appointment of specialist staffing with core roles in collection management, programming, education and marketing as well as costs associated with IT support, volunteer coordination and heritage property maintenance.

ATTRACTING AND KEEPING VOLUNTEERS

Many museums have been established and maintained due to the passion and support of their loyal volunteers. Research across the museum sector generally indicates that most museums would not function effectively if it were not for their staff working with volunteer teams. Many small local museums in fact function solely because of the contributions of their volunteers.

Research associated with the development of the Ku-ring-gai Cultural Plan identified that the LGA has traditionally enjoyed a strong volunteer sector and Eryldene is just one example of this. It has operated as a community-based museum for many years and has fostered and encouraged a strong volunteer support base with diverse roles and responsibilities under the direction of the Eryldene Trust.

Tulkiyan has also been very dependent on community support over many years. The Friends of Tulkiyan work to raise awareness of the property. The Friends incorporate an active volunteer program. Volunteers have been responsible for planning Open Day programs, collection documentation, house maintenance, promotional material, advocacy, house and garden tours, organising refreshments, seeking sponsors, grant seeking and liaison with Ku-ring-gai Council.

Submissions received as a component of this current Strategic Plan Project however indicate that the nature of volunteering is changing, that the expectations and needs of museums and their volunteers are also changing and that as museums move towards embracing best-practice management standards, those changes will need to be well-managed. If they are not recognised and managed, then volunteers will become dissatisfied and will drift away thus removing access to a cost-effective means of providing a quality museum service.

At the same time, the changing volunteer environment presents the potential for the recruitment of staff from the volunteer ranks. Volunteers can be a source of new staff for cultural institutions e.g. volunteer training programs develop new skills and interests that can develop into pathways for professional employment. Some volunteers target institutions that have the potential to provide diverse experience that may lead to a career in the sector. The design of training programs needs to take account of the needs of the museum as well as, within reason, the interests of the volunteer team.

Clearly, when this Strategic Plan is adopted by Ku-ring-gai Council, Tulkiyan in particular will undergo a significant transition from a largely volunteer run facility to one where a small team of paid professional staff will work with volunteers to achieve museum strategic goals and objectives. Tensions during this transition may inevitably arise between volunteers and new specialist staff especially as policies and procedures are developed that may replace previous ways of managing. The appointment of a Volunteer Coordinator (perhaps shared between Tulkiyan and Eryldene) would assist in the smooth management of this transition.

However Tulkiyan is not a pioneer in this area and case studies documenting lessons learnt in making the transition from volunteer management to paid staff are widely available. Issues for consideration are:

- Volunteers need to be coordinated
- Volunteers need well-documented roles and responsibility statements
- Volunteers complement the work of paid staff and do not substitute for it
- Skills development and learning opportunities for volunteers are core museums programs
- Volunteer insurance needs to be managed by Council
- A commitment to active communication with volunteers is critical

A recent paper by the Institute of Volunteering Research indicates that “volunteers should feel welcome, secure, respected and informed. They do not want to feel used, unappreciated, not consulted and not accommodated. The choice for museum administrators is to combine choice and control; flexibility and organisation, so that volunteers experience their participation as a blend of informality and efficiency and of personal and professional support.”⁷

The issue is: a) to value and acknowledge the significant role played by the committed volunteers in Ku-ring-gai’s house museums and to ensure that the volunteers are encouraged to develop new skills and b) that the Friends of Tulkiyan are supported through an inevitable change process as the Strategic Plan is implemented.

CHANGING ATTITUDES

The role and influence of local government in any project at the local level is critical to its success or otherwise. In the case of Tulkiyan, community perceptions indicate that generally and at least until recently, Council seemed to regard the property as a liability rather than an asset. Most Councillors and staff did not seem to understand the property’s cultural value and seemed unsupportive of the property’s special needs.

During interviews and at the community workshop, a general theme emerged that in the past Ku-ring-gai Council had questioned its role in heritage property management, had been loathe to consider the need to apply specialist trades skills to sensitive building fabric, has managed its heritage property portfolio with an eye firmly focused on commercial potential and has generally failed to act as a sympathetic custodian.

From the Council's point of view, the lack of resources available to assist in managing the facility has influenced its approach to planning and management. It quite naturally regarded Tulkiyan as an unasked for burden, requiring significant budget outlays to maintain and on the surface , presenting limited income potential due to the perceived development constraints influenced by its heritage significance. The Council until

⁷ <http://www.ivr.org.uk/litreview.doc>

relatively recently has demonstrated only limited understanding of the opportunities presented by heritage buildings. In particular it has seemed particularly unaware of the potential for sensitive and creative adaptive reuse of heritage properties such as The Firs Cottage at Roseville.

However recent reports from the community and from discussions with staff attitudes seem to be changing and Tulkiyan's future is looking more positive. The Council is taking a leadership role in cultural development and staff are working more closely with the community to ensure that opportunities presented by cultural projects are realised. Staff are also working more collaboratively across Council and better understand the benefits of integrated planning and management. The establishment of a cultural services unit within Council's Community Services Directorate has been a positive influence in breaking down corporate silos. By taking a more systematic and strategic approach to planning and service management, through small steps the Council is moving forward on a variety of cultural programs. The development of the Strategic Plan for Ku-ring-gai's historic house museums is evidence of this shift.

The issue is: to acknowledge Council's developing interest in cultural programs and ensure that this Plan provides a useful tool for Council and the community to work together in ensuring a sustainable future for the area's house museums and in particular for Tulkiyan as a significant asset within Council's cultural facility portfolio.

COLLECTION MANAGEMENT

Traditionally collections and their management have been key responsibilities for museums and until recently it has been the quality and scale of collection research, scholarship and interpretation that has built museum reputations. Collection management – acquisition, documentation/cataloguing, research, interpretation, presentation and storage – requires special skills and sensitivity. These come at a cost and can have a major impact on operational budgets e.g. see previous section: Operating House Museums and Table 2.

House museums present specific and widely acknowledged challenges in museum management. Often their cultural heritage significance lies not so much in the value of their collections or contents which may not be original.

Rather cultural value may be based on the nature of their architecture or design, the relationship of buildings to their gardens, the history of the building's use and family connections or perhaps the significance or uniqueness of construction techniques. In some instances all these components are present but may not be well-documented or interpreted.

Each of the house museums considered in this Plan contains a collection although each collection is very different and management status also varies. Tulkiyan for example has 600 provenanced items in its collection but it also has an uncertain number of documents, ephemera and unique photographs that have not been included in the inventory. E.g. Documents relating to Tulkiyan (plans, papers etc) have recently been recovered in the Ku-ring-gai Library.

The incomplete inventory places presents a major challenge for Council and Tulkiyan since museum collections need to be documented as a core role in order to inform the design and development of engaging and informative programs. Visitors want to better understand exhibitions and displays, to be stimulated by new stories and to have access to changing and dynamic interpretations. Collections, documentation and interpretation go hand in hand and contribute to repeat visitation and to attracting new visitors.

A snapshot of collection management data is provided in the following Table.

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TABLE 3 COLLECTION SNAPSHOT

	ERYLDENE	ROSE SEIDLER	TULKIYAN
Collection description	Garden – collection of significant and rare camellia specimens. ⁸ House contents – art works, furniture, artefacts, and household effects and supporting documentation. Library – Camellia Research Assoc.	House- original furniture and furnishings mid 20 th century design. Domestic appliances and fittings. Some reproductions.	Significant collection of movable items related to Arts and Crafts style and 20 th century lifestyles – furniture, fittings, household effects, decorative arts, and ephemera.
No of items	Accessioning of collection in process.	346	600 house contents. Uncertain numbers of papers etc.
Catalogued	Paper-based inventory 2005.	Catalogued	Inventory 2003 but incomplete with uncertain numbers of documents and ephemera material e.g. documents, photos etc.
IT system	Card	Online database – Vernon	PastPerfect Museum Software - supported by Vernon NZ.
Access	On site monthly weekend tours April to November plus special events. www.eryldene.org.au	On site. Open Sundays Web site – digital images www.hht.net.au/collections/rose_seidler_house	3-6 open days' p.a. plus 3-7 pre booked tours p.a. Friends are provided with access on an as-needs basis. Tulkiyan does not have a web site.
Human resources	Part/time manager with curatorial skills (2 days p.w.) Volunteers	Fulltime Manager. Part time Curator 1 day p.w.	Friends of Tulkiyan – lack resources, and do not enjoy unmonitored access. Some Friends have or are developing specialist skills. Council's Commercial Services Coordinator has day to day administrative responsibility
Related Documents	Conservation Plan, 1988	Conservation Plan, 1989	Inventory of Contents, Margaret Wyatt, 1986. Contents Inventory, Helen Heaney, 1994. Issues and Opportunities Discussion Paper, Meredith Walker Heritage Planning Consultant, 1995 Conservation Management Plan and Tulkiyan Manual and Technical Guidelines, Noel Bell Ridley Smith & Partners, 1998. Plan of Management, February 2001. Tulkiyan Interpretation Plan, Museum Planning Services, 2003.

⁸ Zeny Edwards in Eryldene Business Plan, 2003.

In each of these three museums, content is critical to the visitor experience. The Rose Seidler House has a head start in this regard since its collection is well documented and researched, it is catalogued online and selected images are accessible via digital technology. Professional staff provide collection management and curatorial support.

Eryldene is moving towards better documentation having recently shifted its main focus from its garden to better integrate the house and its contents into visitor programming. However resources are limited and although the recently appointed part-time manager has museology skills, the position's roles and responsibilities are extensive with diverse demands on limited staff time.

Tulkiyan presents significant challenges in the collection management area including many opportunities to work creatively with the range of resources available within the museum sector. For conservation purposes, documentation of the collection is important but the museum is also presented with the critical need to engage dynamically with visitors and to provide more than a static interior. Interpretation and story telling is critical, and a balance must be struck between the conservation need to protect the rare contents of a "closed house museum" and encouraging visitor understanding and enjoyment.

The appointment of a curator to manage and interpret both the Tulkiyan and Eryldene collections would be a first step in ensuring an integrated approach to local museum planning. The appointment of a shared volunteer coordinator between the two museums would also facilitate skills development including specific and appropriate collection management support roles.

The issue is: committing to best practice museum management across the three local museums, integrating with the high standards established by Eryldene and the Historic Houses Trust and in the case of Tulkiyan finding the resources and working with and developing the skills of an informed and willing nucleus of volunteer assistants.

CULTURAL TOURISM

Tourism is not recognised as a significant aspect of the Ku-ring-gai experience although it should be since the area attracts regular local and out of area visitors to a number of its attractions. These include the Ku-ring-gai Wildflower Garden at St Ives, a regular program of events at the St Ives

Showground, concerts by the acclaimed Ku-ring-gai Philharmonic Orchestra, visitors to the annual Fifties Fair at the Rose Seidler House and visitors to Eryldene's regular program of special events including Mother's Day, Christmas market and seasonal garden celebrations. Visitors from out of the area regularly attend courses at the Ku-ring-gai Art Centre, children's and youth theatre programs at the Marian Street Theatre, events associated with the nationally recognised Cavalcade of Fashion collection and the diverse public and private school-based cultural events held regularly across the Local Government Area.

Ku-ring-gai's bushland reserves and parks attract high levels of visitation especially those bordering on the harbour. The area has a well established eco-tourism and heritage trails program linking Ku-ring-gai's cultural assets. Friends of Ku-ring-gai Environment (FOKE) are keen to work on eco-tourism initiatives with communities in adjacent councils such as Hunters Hill and Lane Cove.

The Cultural Plan identified opportunities to build the area's cultural tourism infrastructure including strategies for integrating walking trails with opportunities to increase the appreciation of the rich heritage of Ku-ring-gai's cultural landscape – both the natural and the built environment.⁹ The Plan also proposed greater collaboration between the area's house museums in order to enhance the visitor experience. The Cultural Plan proposed that a cultural tourism strategy was developed by 2008.

The World Tourism Organisation reports that the two fastest growing sectors of global trade are eco tourism and cultural/heritage tourism.¹⁰ One of the key reasons for this growth is the greying of the population in OECD countries and the development of a market of seasoned travellers who are well educated and seeking authentic as well as ethical travel experiences. This market is expected to expand rapidly as the new and emerging middle class markets of China, India and South East Asia impact on the travel markets worldwide.

Tourism Australia defines a cultural visitor as one who "participated in one or more of the cultural activities listed below:

- Attend theatre, concerts or other performing arts
- Visit museum or art galleries
- Visit art/craft workshops/ studios

⁹ Living Culture 2004-2009. Prepared 2004 for Ku-ring-gai Council by Australia Street Company.

¹⁰ Staiff, Russell 26 July 2005 at Hawkesbury Cultural Futures Forum.

- Attend festivals/ fairs or cultural events
- Experience Aboriginal art/craft and cultural displays
- Visit and Aboriginal site/community
- Visit history/heritage buildings, sites and monuments.

This activities-based definition of cultural tourist is not mutually exclusive. For example a cultural tourist can also be a wine tourist or a nature-based tourist.”¹¹

The Canadian National Committee on Cultural Tourism extends this definition by referring to cultural tourism as “educational leisure activities which enhance the visitor’s awareness and appreciation of natural and/or human history of another region. Cultural tourism is the art of participating and relating to peoples and places that have a strong sense of their own identity. It is not just a spatial and time experience, but a mode of experience that encourages a more open, more universal way of thinking”.¹²

Based on these definitions cultural tourism is clearly relevant to Ku-ring-gai and presents a development opportunity that needs further research. It is an emerging area of consideration and will be enhanced by the development of a collaborative approach involving diverse interests such as the education sector, heritage sector, arts and cultural sector, chambers of commerce, travel and hospitality providers, State government, events planners and environmental groups. Cultural tourism provides opportunities to better understand local natural and cultural heritage, it promotes conservation of fragile and unique cultural assets and it can also be a significant part of local economic development¹³

Cultural tourism presents Ku-ring-gai Council with opportunities to take a regional approach to programming by making connections to adjacent councils such as North Sydney and Lane Cove. Both these council areas have house museums (Nutcote, Donbank and Carrisbrook) and North Sydney Council in particular has identified opportunities to work with Ku-ring-gai in house museum planning, programming and marketing.¹⁴

As part of the discussions associated with the 2006 review of Council's Public Art Policy a number of residents suggested that the development of

¹¹ Cultural Tourism in regions of Australia, 2005. Tourism Research Australia for the SWG of the Cultural Ministers Council.

¹² Cultural heritage and tourism: presentation by Dr Russell Staiff, UWS on 26 July 2005 at Hawkesbury Cultural Forum.

¹³ International Cultural Tourism Charter: managing tourism in places of heritage significance, 1999. Geneva: ICOMOS (International Council on Monuments and Sites).

¹⁴ Interview with Dr Ian Hoskins, Council Historian 13 April 2006.

an imaginative program of 'Art in the Gardens' would be an exciting opportunity for Ku-ring-gai. It was suggested that the LGA has a significant number of heritage gardens and that the area could build a brand similar to Sculpture by the Sea by focusing on the opportunities for temporary sculpture installations in its gardens. Gardens suggested include the gardens at Eryldene, Tulkiyan, Rose Seidler House, and Roseville Park including the grounds of The Firs Cottage, Wahroonga Park, Roseville Park and Swain Gardens. This would build on and extend programs well established at Eryldene. Potential sites/ venues would need to be assessed for accessibility including for parking and public transport.

The issue is: to ensure that the Strategic Plan provides opportunities for the regional house museums to integrate with the Ku-ring-gai area's emerging cultural tourism economy by fostering systematic and strategic connections to related cultural, eco-heritage and environment sectors and interest groups including the Friends of Ku-ring-gai Environment and the Ku-ring-gai Arts and Cultural Network.

THE VISITOR EXPERIENCE

During the community workshop, participants identified a number of historic house museums that in their view provide a memorable visitor experience. Factors influencing this status included:

- focus on authenticity
- capacity for story telling based on memories
- commitment to education and understanding
- connections over a number of generations
- integration of buildings with their environment including gardens, surrounding landscape etc.
- ability to engage visitors through imaginative displays and innovative events

A number of local as well as international venues were identified (see Appendix 3 for full list) and three in particular were cited by more than one participant. They are as follows:

- Susannah Place – managed by Historic Houses Trust of NSW; 4 terrace houses including a recreated corner store. Located in Sydney's historic The Rocks precinct
- Calthorpes' House – managed by ACT Museums and Galleries within the Historic Places ACT program. The house museum celebrating early 20th century life style is located in suburban Mugga Lane, Red Hill.

- Vaucluse House – managed by Historic Houses Trust of NSW, a 19th century harbour side mansion located in Vaucluse in Sydney's eastern suburbs.

Other house museums mentioned by participants included a royal palace, a rural homestead, an English manor house, a recreated cluster of historic buildings in Asia, a simple family home in regional NSW and a number of former mansions and their grounds in Sydney and Melbourne.

All the properties mentioned operate using a variety of management structures including as part of a specialist government agency, as part of the National Trust, by the community, by the private sector and by local government. By and large participants commented that it was the quality of the interpretive displays and the access to layers of information that influenced the visitor experience and made the visit memorable. To come away with an improved understanding of the lives and lifestyles of earlier generations is a key to successful house museum marketing.

In the case of two out of the three museums that are a focus for this Study, the house in its garden setting is regarded as an integrated experience. Eryldene in particular is just as well, if even more renowned, for its significant garden including rare plant species. It attracts researchers and scholars as well as general garden lovers including visitors linked to the International Camellia Research Society. Visitors to Eryldene could include specialist researchers interested to access unique documents, library users, family history and local history buffs, students including horticulture and architecture students and the general public. The Rose Seidler House reports similar visitation data although the research focus there is on architecture and design rather than the garden.

Tulkiyan, with its authentic and extensive cultural contents, presents a unique potential for story-telling and for the 'real' experience of understanding pastimes and lifestyles. The recent recovery of 2 boxes of Donaldson family papers in the Ku-ring-gai Library only adds to this potential providing as it does, more detail on physical aspects of the house. It has been noted that Tulkiyan is similar in programming and interpretation potential to the highly regarded Calthorpes' House in the ACT. Tulkiyan presents a Sydney-based opportunity to present innovative and engaging interpretive programming to a diverse audience base.

TABLE 3 VISITATION STATISTICS

HOUSE MUSEUM	ANNUAL VISITATION LEVELS
Calthorpes' House	6,746 (01/02)
Eryldene	4,000 approx (2003)
Chifley Home	1613 (04/05)
Rose Seidler House	5,500 paid + 500 free admissions (04/05)
Tulkiyan	1200 approx (04/05)

From this snapshot and based on available data, even the well known and accessible Calthorpes House in Canberra enjoys relatively modest visitation. Keeping in mind the often fragile nature of house museums due to their diverse and vulnerable collections, each house could however accommodate more visitors. E.g. The HHT advises that the Rose Seidler House can accommodate up to 50 persons inside at a time.

Clearly the three Ku-ring-gai house museums are disadvantaged by low profile, access and distance and the specialist nature of their programs that may be of interest to a modest visitor base. The challenge for each museum is to establish a reputation for engaging programs that provide a memorable experience and foster repeat visits. They need to build on and strengthen the already established local community connections. They also need to adopt an integrated marketing approach with an eye to fostering visitation from a diversity of market segments such as education, cultural tourism, specific age groups and special interest. This will generate visitors who arrive as part of a planned program of activities.

The issue is: ensuring that the Strategic Plan provides a clear direction and collaborative tools to build authoritative, imaginative and connected programs that are marketed to meet the diverse needs of visitors and that foster increased and repeat visitation.

HISTORIC HOUSE MUSEUMS STRATEGIC PLAN

DRAFT VISION

Within 10 years Ku-ring-gai is recognised for its unique cultural assets including the outstanding quantity, quality, depth and range of its 20th century architecture and garden landscapes which provide a window into past times and a sound basis for celebration, appreciation and education. The three historic house/garden museums of Ku-ring-gai are recognised as the 'jewels' in Ku-ring-gai's heritage and identity and are cared for and valued through an active and well-resourced network of strategic alliances that ensures their sustainability for future generations.

COUNCIL'S ROLE

Ku-ring-gai Council will take a leadership and advocacy role in fostering opportunities for diverse heritage agencies to work together by providing resources and support that enables the area's heritage house museums to be presented in a memorable way to visitors. In particular Council will manage Tulkiyan according to best practice management standards for house museums, their gardens and contents.

COMMUNITY'S ROLE

Building on the demonstrated commitment of the community-based Eryldene Trust in managing Eryldene as a best practice house museum, the Ku-ring-gai community will work in partnership with Council to encourage the acknowledgement of Ku-ring-gai's house museums as valued cultural assets at the hub of local identity, learning and the celebration of local history.

PLANNING PRINCIPLES

The following planning principles or values underpin this Plan.

FOSTERING BEST PRACTICE

A commitment to best practice museum management is at the heart of the Plan underpinning policy development and operational activities. House museums in Ku-ring-gai will strive to share resources and programs including skilled staff and an agreed commitment to museum standard practices and procedures.

ENCOURAGING COLLABORATION

Working together with trust and not competing with colleague agencies is fundamental to this Plan. Shared goals and common problems provide positive opportunities to identify integrated solutions and to develop imaginative public programs. Cooperation and partnerships will be encouraged.

SUPPORTING EDUCATION AND LIFELONG LEARNING

Museums are in the education business. Through their programs and activities museums can integrate into school curricula and also contribute at the technical/ vocational education as well as at the tertiary level. Museums play an important role in fostering lifelong learning including developing programs that improve understanding of history and heritage and encourage the development of new skills. A commitment to education and learning is a core principle of Ku-ring-gai's house museums.

FOCUS ON SUSTAINABILITY

Sustainability involves the ability to ensure that short-term financial benefits do not compromise social, cultural or economic impacts over the longer

term. Ensuring the sustainability of Ku-ring-gai's house museums for the long term requires strategic planning and investment in facility and collection management, day to day operations and management structures. Sustainability and a flourishing cultural life are interdependent.¹⁵

VALUING HERITAGE AND HISTORY

Celebrating Ku-ring-gai's cultural heritage is an important building block in the development of a sense of identity. Historic house museums open windows of understanding and provide a lens to past times, traditions and lifestyles. Telling stories, interpreting and communicating Ku-ring-gai's history underpins this Plan.

¹⁵ Museums and sustainability: guidelines for policy and practice in museums and galleries. 2003. Canberra: Museums Australia.

IMPLEMENTING THE VISION

Four strategic Goals have been developed in relation to this Plan. Each Goal provides a mechanism for achieving the Vision and is supported by Actions and timeframes. Indicative financial sources have been provided for the short term priority actions.

GOAL 1 HARNESSING RESOURCES TO ENSURE MUSEUM VIABILITY

Ku-ring-gai's historic house museums are recognised as significant cultural assets and Eryldene and the Rose Seidler House in particular enjoy State, national and even international reputations. Tulkiyan however is only now emerging from a period where resources were scarce and leadership was limited. Each museum is however committed to best practice and recognises that this requires an increase in investment and access to appropriate governance structures, professional skills and specialist advice.

STRATEGIC ACTIONS

ACTION	TIMEFRAME	INDICATIVE COST \$
1. Review Tulkiyan's governance, develop a preferred model for Council consideration and resolution.	February 2007	Council resources.
2. Convene a Historic House Museums Working Party to coordinate the strategies identified in this Strategic Plan with equal representation from Tulkiyan, Eryldene and the Rose Seidler House.	March 2007	Council resources
3. Working Party to prepare a joint application to MG, NSW for the appointment of a Museums Advisor to broker a formal collaboration between each museum and to include updating Eryldene's Business Plan and the coordination of volunteer programs.	April 2007	Joint funding – grant/ Council resources/ Eryldene.
4. Commission the preparation of a Tulkiyan Business Plan to include a review of entry charges, analysis of property maintenance/ cleaning models including outsourcing; identification of	May 2007	Arts NSW - \$15,000 grant funds

ACTION	TIMEFRAME	INDICATIVE COST \$
realistic income opportunities and the establishment of a dedicated cost centre and the development of an annual budget.		
5. Commission an update of the Tulkiyan Management Plan in light of its recent State heritage listing.	June 07	NSW Heritage Office joint funding/ Council \$5,000 from 07/08 budget
6. Based on the Tulkiyan Business Plan streamline/ outsource Tulkiyan's property maintenance program to specialist heritage tradespeople. independent skilled contractors. Include an apprenticeship program for interested Council property staff.	Sept 07	Council resources
7. Prepare a joint grant application to DOTAC to fund a Historic House Museums Volunteer Coordinator to work with Eryldene and Tulkiyan in managing volunteer programs including the formal incorporation of Tulkiyan Friends, recruitment, skills development, training, events support etc.	Sept 2007	\$24,000 matching Council funds
8. Prepare proposal for Tulkiyan and Eryldene to participate in MGNSW Museum Standards program	March 08	Shared resources/ Council/ Eryldene
9. Explore the potential with all Sydney based universities to establish a Historian in Residence program at Tulkiyan/ Eryldene/ Rose Seidler House focused on extending research and scholarship related to Ku-ring-gai's heritage.	July 2009	Australian Research Council Linkage Grant/Council and museum resources

GOAL 2 SETTING STANDARDS FOR INTEGRATED COLLECTION MANAGEMENT

The collections of Ku-ring-gai's house museums are integral to the understanding of the significance of each facility. Ensuring that the collections are managed according to best practice standards and developing a shared commitment to high standards of collection management are crucial aims. This includes the development of policies and agreed procedures, budgeting, planning for technology applications, undertaking conservation where required and establishing a systematic approach to ongoing collection maintenance and development.

STRATEGIC ACTIONS

ACTION	TIMEFRAME	INDICATIVE COST \$
1. Prepare a joint grant application to ArtsNSW to contribute 50% of funding for a full-time curator shared between Tulkian and Erydene to coordinate collection documentation and access.	Mar 2007	Grant/ Council and Erydene matching grants.
2. Establish a Heritage Collections Management Task Force under the House Museums Working Party to identify opportunities for collaboration on collections in particular for Tulkian and Erydene and also including the Local Studies Librarian and representatives of the Ku-ring-gai Historical Society.	March 2007	Council and museum resources.
3. Task Force to develop an integrated approach to database development, digital imaging and collection promotion and in particular for Council to advocate support for Erydene to purchase relevant technology including museum standard hardware and software.	October 2007	Grant funds
4. Task Force to prepare a grant application to the Community Heritage Grant program of the National Library of Australia to support volunteer training and skills development in collection management for Tulkian and Erydene.	June 2008	\$10,000 grant
5. Council to commission a review of security systems at Tulkian and Erydene in order to ensure an integrated and cost-effective approach to collection security.	October 2008	\$10,000 with contribution from Erydene.

GOAL 3 KU-RING-GAI'S HOUSE MUSEUM PUBLIC PROGRAMS ARE IMAGINATIVE AND INNOVATIVE

Our goal is to work together to plan and develop creative and stimulating experiences for visitors. Museum programs are enjoyable, accessible, diverse and connected celebrating distinctive heritage and history and relevant to contemporary experience. They are focused on enhancing education and lifelong learning opportunities for residents and visitors.

STRATEGIC ACTIONS

ACTION	TIME FRAME	INDICATIVE COST \$
1. The Working Party to develop at least one event pa (e.g. Heritage Week) that connects the 3 house museums and through cooperative programming enhances visitor understanding of the cultural role of each facility.	June 07	Council resources
2. Coordinate a workshop for house museums in the Northern Sydney region to identify opportunities to develop a long term goal of collaborative programming.	July 07	Council resources
3. Identify social history shared themes – e.g. domestic crafts, gardening, fashion styles – and develop these themes as specialist program areas across the 3 museums. Link with local arts groups and specialist collections (quilters/ Cavalcade of Fashion) to extend skills and program potential.	Sept 07	Museum resources
4. Commission a feasibility study into the development of an annual Art in the Gardens Program focusing on Ku-ring-gai's heritage house gardens as key locations.	Sept 07	\$20,000 Tourism NSW
5. Council including the Library Service to liaise with State Library of NSW and the Oral History Association of NSW to seek funding/sponsorship to establish a Ku-ring-gai Oral History program with a skilled coordinator working with trained volunteers to interview residents/ workers who have been associated with each museum. (Link to Action 10). Funds to also establish a base of suitable equipment.	Nov 07	Set up \$25,000 \$15,000 ongoing
6. In liaison with local schools, develop an integrated program between the 3 museums that responds to the curricula needs of local primary and secondary students.	March 08	
7. Establish a lecture/ forum program building on the HHT program but focused on Ku-ring-gai's heritage and history.	April 08 and ongoing	Museum resources
8. As part of the development of Tulkiyan and the planning of interpretive programs, establish a development plan that incorporates a Centenary Interpretive Centre as part of the celebration of the 100 year history of the house museum/ gardens.	June 2008	

9. Contribute to the development of a Cultural Tourism Strategy for Ku-ring-gai by ensuring that museum programs are relevant to visitor needs and interests.	Sept 2008	\$25,000 special project grant
10. Commence planning for a combined program to celebrate Eryldene and Tulkiyan Centenaries in 2013 including the preparation of a history of Tulkiyan based on the Donaldson papers.	July 2009	Grants and Council/ Eryldene resources

GOAL 4 MARKETING MUSEUM PROGRAMS RESULTS IN IMPROVED RECOGNITION AND INCREASED USE

Marketing is much more than publicity and promotion. It is underpinned by robust research and analysis, an understanding of audiences, access to statistical data and a commitment to quality services including to access and equity. Our goal is to establish from the outset a commitment to research and evaluation that informs program development and provides opportunities to market Ku-ring-gai's distinctive house museums to diverse groups.

STRATEGIC ACTIONS

ACTION	TIMEFRAME	INDICATIVE COST \$
1. The Working Group to schedule a marketing seminar to explore opportunities to undertake joint house museum marketing – information shared, gaps identified, opportunities developed, key target visitor groups identified (e.g. Central Coast, U3A, young mothers).	September 2007	Museum and Council resources
2. Working Group to review websites and to identify opportunities for cost effective maintenance, to ensure remote access to each museum's programs, events, relevant collections is available and linked.	November 2007	Council and museum resources
3. Working Group to explore the feasibility of establishing a Museum Bus that links house museum sites on open weekends.	November 2007	\$10,000
4. Develop a shared promotional brochure documenting each museum, highlighting special events, providing access/ opening hours information etc.	September 2008	\$10,000
5. Develop a signage and banner strategy linked to Council's public art policy that establishes a distinctive branding for the area's museums.	March 2009	Tourism grant \$10,000

APPENDIX 1 TASK FORCE MEMBERS

NAME AND POSITION	ORGANISATION
Janice Bevan, Director Community Services (Convenor)	Ku-ring-gai Council
Cr Maureen Shelley	Ku-ring-gai Council
Paul Dignam, Heritage Planner	Ku-ring-gai Council
Zeny Edwards, Historian	
Susan Hunt, Director, General Manager, Properties	Historic Houses Trust of NSW until March 2006.
Maisy Stapleton, CEO	Museums and Galleries, NSW
Caroline Butler-Bowden, Curator	Historic Houses Trust of NSW from April until May 2006.
Andrew Mitchell, Manager	Rose Seidler House, HHT of NSW from July 2006
Ex officio	
Juan Perez, Manager Leisure and Cultural Services	Ku-ring-gai Council
Deborah Silva, Coordinator, Commercial Services	Ku-ring-gai Council

APPENDIX 2 KEY STAKEHOLDERS

Interviews were held with the following in order to identify issues and opportunities in relation to the Plan. Follow up interviews were also held with relevant stakeholders at either the draft or final stage of the Project.

- Jocelyn Brennan-Horley, Friends of Tulkian
- Caroline Butler-Bowdon, Curator, Rose Seidler House
- Morven Cameron, Manager, Open Space, Ku-ring-gai Council
- Helen Davies, Friends of Tulkian
- Paul Dignam, Heritage Planner, Ku-ring-gai Council
- Zeny Edwards, local historian
- Jane Garling, Board member, Eryldene
- Dr Ian Hoskins, Council Historian, North Sydney Council
- Janine Kitson, Trustee, National Trust of Australia (NSW Branch)
- Paul Locke, Treasurer, Eryldene Trust
- Andrew Mitchell, Manager, Rose Seidler House
- Mandy O'Brien, Manager, Eryldene
- Penelope Pike, Board Member, Eryldene Trust
- Sarah-Jane Rennie, Museums and Galleries, NSW
- Cr Maureen Shelley, Ku-ring-gai Council
- Deborah Silva, Coordinator, Commercial Services, Ku-ring-gai Council
- Maisy Stapleton, CEO, Museums and Galleries, NSW
- Alison Walker, Principal Landscape Architect, Ku-ring-gai Council
- Richard Wesley, Director, Museums and Properties, National Trust of Australia (NSW)
- Margaret Wyatt, local historian.

APPENDIX 3 COMMUNITY STAKEHOLDER WORKSHOP

The following provides a verbatim account of feedback from the workshop held on 19 April 2006.

TASK 1 IDENTIFY YOUR MOST MEMORABLE HOUSE MUSEUM

- Como Historic House and Garden, South Yarra Melbourne.
- Susannah Place The Rocks
- Carrs Cottage Museum, Carrs Park, Kogarah.
- Owlpen Manor Estate, the Cotswolds, England
- Rippon-Lea estate, Melbourne
- Old Government House, Parramatta
- Badan Warisan Heritage Centre, Kuala Lumpur
- Calthorpes' House, Canberra
- Vaucluse House, Sydney
- Eltham Palace, London
- McCrae Homestead and Museum, Mornington Peninsula
- Meroogal, Nowra

These museums were noted for their authenticity, for the memories and stories that they celebrated, for their interpretation of the lives of generations of inhabitants, for their physical design and construction and for the 'real' nature of their displays and exhibitions.

TASK 2 WHAT ARE THE STUMBLING BLOCKS AND THREATS FACING THIS PROJECT? WHAT ARE THE OPPORTUNITIES?

THREATS	OPPORTUNITIES
Group 1 -Funding -Lack of community support & awareness -How to market? Lack of interest at the moment in historic houses. Market saturation. Repeat visits. - Limitations of building and access to collection. - Access issues - Parking problems, transport -Neighbours, relationships with neighbours. Turn into an advantage. Vandalism - Limitations of access: disabled access. Respectful of fabric. - Volunteer workforce: lack of coordination. Keeping volunteer cycle alive. All ages and	Group 1 - Council bus. Provide driver. - Education programs – tap into HHT/ National Trust resources/ schools nearby - Include projects in school curriculum. -Raising community awareness – target all ages. - Volunteer coordination. Paid position to manage volunteers, rosters. -Publicity -Draw specific volunteers for specific tasks - Cross pollination. Out source. Tap into volunteers from other house museums to help. Look at the 'umbrella' of Ku-ring-gai. - Increase in volunteer interest. Tap

THREATS	OPPORTUNITIES
<p>capabilities. Organise volunteers, rosters. Find the right skills. Supervision, match people.</p> <ul style="list-style-type: none"> - Management - physical limitations, safety for volunteers (no toilets) OHS - Publicity 	<p>awareness.</p> <ul style="list-style-type: none"> - Events generate income. Tea House – refreshments. - OHS: join forces with others in training fire safety, emergency. Tap into Council resources. -Target support
<p>Group 2</p> <ul style="list-style-type: none"> -Resources – financial/ physical - Council commitment/ awareness - Leadership - Custodianship (lack of) - Lack of resources – heritage management/ collection management - Loss of knowledge – history - Ownership issues – private vs. public - Communication 	<p>Group 2</p> <ul style="list-style-type: none"> - Leadership -Raising awareness - Responsible custodianship -Collaborative opportunities – curator, marketing, education, training, cataloguing/archiving. - Educational opportunities - Physical proximity - Place management
<p>Group 3 (comments relate to Tulkiyan)</p> <ul style="list-style-type: none"> - Council – lack of continuity (Friends of Tulkiyan), cooperation - Does not have budget allocation guaranteed -No established guidelines & procedures for volunteers & staff - Security and theft - Lack of sensitive maintenance & materials - Is not financially supportive -Cost of entry compared to other historical house - Cleaning - Lack of training - Preservation & conservation of building (needs this) 	<p>Group 3 (comments relate to Tulkiyan)</p> <ul style="list-style-type: none"> - Communication between friends and Council is improving. - reinstate management committee - educational programs - Appropriate use of facilities - significant celebrations (tie in with other expertise e.g. centenary 2013) -Tourism – open on set calendar - Liaison with stakeholders e.g. university, volunteer groups, Council departments -Interactive web site/ use of technology - Communicating relevance to all members of community - Emphasise sense of place - Interpretation centre - Link with other houses and promotion/ coordination -Permanent caretaker? -Training/ education of ALL staff and volunteers. Guidelines provided.

TASK 3 DEVELOPING THE PROJECT VISION.

What words would you want to be included in a Vision statement for this Project?

The following words were suggested by the Workshop participants:

- Cares for and values
- Sustainable funding
- Council - responsible leadership and ownership in cultural resource management.
- Council commitment
- Specialist staff
- Sharing resources

- Balancing priorities
- Alliances/ cooperation
- Awareness/ education/ advocacy
- Relevant to Ku-ring-gai
- Ku-ring-gai's unique heritage – homes/ houses/ gardens. Collections.
- Public/ private
- Window into lifestyle

TASK 4 WHAT ARE THE KEY STEPS OR ACTIONS THAT NEED TO BE TAKEN TO MOVE AHEAD ON THIS PROJECT?

List each step. Identify what organisation will drive the step.

STEPS AND ACTIONS	DRIVER ORGANISATION
<p>Group 1</p> <ul style="list-style-type: none"> - People outside Ku-ring-gai to get involved. Two way collaboration – with Nutcote e.g. share publications, joint ventures. - Interpretation Centre at Tulkiyan. Promote activities that would interest the community. Arts and Crafts/ Arts Centre. - Develop a new management plan as to how the house can be sustainably used. This includes both Eryldene and Tulkiyan. - Promote the rarity of Ku-ring-gai. Unique place – Napier. Identify sites that make Ku-ring-gai special. Go beyond these places- e.g. get garden club to work on garden network. - Oral histories done. Competitions. Website developed for the properties and links provided to gain access to the other websites of historic houses. 	<p>Council, Nutcote</p> <p>Council. HHT</p> <p>Council</p> <p>Council</p>
<p>Group 2</p> <ul style="list-style-type: none"> - Overall management. Delegated Director/ Directorate (Council). Operational and performance management links. Historical Houses to fall under cultural management system including Strategic Plan, management plan, operational plan and performance plan. - Tulkiyan Committee – need guidelines/ procedures; programming and marketing; volunteers; financial management and business plan; annual programming. - Funding opportunities developed. Focus on training and promotion. - Appoint a curator with heritage skills - Explore governance models 	<p>Council</p>
<p>Group 3 (relates to Tulkiyan)</p> <ul style="list-style-type: none"> - Business Development Plan – steps of action 	<p>Collaboration with Council staff</p>

STEPS AND ACTIONS	DRIVER ORGANISATION
<ul style="list-style-type: none"> - Create Working Party of all local historical house museums in Ku-ring-gai. Explore promotional activities for all historic house museums. - Preservation/ conservation. Training workshop on procedures and guidelines for caretakers, volunteers and Council staff. Need to consider central point for archive and allocation of resources. -Explore networking opportunities. E.g. universities, historical society, regional organisations, heritage craftsmanship/ apprentices, historical houses (local, State and national). - Explore funding opportunities. Create database of applications. - Broaden scope of volunteers and sense of ownership e.g. garden, horticultural, educational, cultural 	<p>and Friends of historic houses.</p> <p>Historical Society Committee?</p> <p>Volunteers (under guidance of trained conservator).</p> <p>Everyone – coordinated through Council</p> <p>Friends/Historical Society to guide Council to assist in lodging.</p> <p>Everyone – Council to promote ownership.</p>

OLD HEADMASTER'S COTTAGE - 175 ROSEDALE ROAD, ST IVES

Ward: St Ives

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the results of the Expression of Interest for the lease of the Old Headmaster's Cottage at 175 Rosedale Road, St Ives, and the need for essential building maintenance works.
BACKGROUND:	Expressions of Interest for the lease of the Old Headmaster's Cottage have been invited following the termination of the previous lease.
COMMENTS:	Four Expressions of Interest were received by closing time and one late submission. Essential building maintenance works are required on the property.
RECOMMENDATION:	That negotiations be entered into for the granting of a lease and essential building maintenance works be carried out on the property.

PURPOSE OF REPORT

To advise Council of the results of the Expression of Interest for the lease of the Old Headmasters Cottage and to advise on the need for essential building maintenance works.

BACKGROUND

The Old Headmaster's Cottage is one of a number of buildings located on the site of the former St Ives Public School. The land is classified as community and zoned Special Uses "Municipal Purposes".

The Cottage has been under lease from Council since 1994 originally operating as a coffee shop and art gallery and more recently as a restaurant and art gallery. The original approval for use was granted pursuant to the planning provisions relating to conservation incentives for heritage items. Although a prohibited use in the zoning, the coffee shop and gallery was granted approval as there would be little or no impact on the amenity of the surrounding area and without such a use in place, the overall conservation and restoration of the building would have been in jeopardy.

The most recent lease was terminated on 19 October 2006 due to a breach of lease conditions. Issues in respect of this lease termination will be the subject of a separate report to Council in due course. Even though there have been some recent issues the building has had a history of successfully operating as a dining facility for more than a decade.

Expressions of Interest for the lease of the building for a five year period were invited. "For Lease" signs were erected on the property on 3 November 2006 and advertisements were placed in the North Shore Times on 10 and 17 November 2006. Thirteen enquiries were received from interested persons.

COMMENTS

There is no statutory obligation to call tenders for the lease of community land for a period not exceeding five years. The main purpose of the Expression of Interest process was to open to the market the availability of the property for lease and allow interested persons to register their interest. This would then allow negotiations to be entered into with suitable proponents with a view to achieving the best possible outcome for Council and the community.

At the close of the Expression of Interest period on 27 November four proposals were received. One late submission was also received. The proposals have been reviewed and are summarised in a confidential **attachment (Attachment A)**. The attachment is confidential pursuant to section 10A (2) (c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is proposing to conduct business.

Proponents 1 and 2 are considered satisfactory for entering into negotiations with Council. Issues that will need to be addressed in these negotiations are:

Item 9

P64463
29 November 2006

- Rent to be paid
- Rent review arrangements
- Commencement date for payment of rent, ie length of time required for fitout, etc
- Financial capacity and bond/guarantees to be provided
- Tenant expectations generally.

Given that Council is now going into a recess period it is recommended that the General Manager be authorised to enter into negotiations with proponents 1 and 2 with a view to granting a lease to one of them for 5 years at an initial rent not less than the previous rent and at the most favourable overall financial outcome for Council.

Should negotiations with these proponents not be successful then it is recommended that negotiations with the other proponents should be commenced.

As the building has become vacant for the first time since 1994 it is apparent that there is essential maintenance work that is required to be carried out on the building by Council in its role as landlord. This work includes replacement of old termite damaged section of flooring, replacement of some roof sheets and downpipes, upgrade of electricity meter box, repairs to weathered barge boards and capping, repairs to steps, cleaning of gutters and various external painting. The estimated cost of this work is \$8,600. This work needs to be done before the property can be leased again and can be funded under the property maintenance recurrent program.

CONSULTATION

As the property to be leased is part of a much larger site that is classified as community, the provisions of the Local Government Act relating to the leasing of community land apply. Under section 47A of the Act prior to granting any lease, public notice of the proposed lease must be given inviting submissions. This action will be taken at the appropriate time.

FINANCIAL CONSIDERATIONS

The property is currently vacant. Income from the property has been included in Council's budget. For funding of the necessary repairs to make the building satisfactory for the next tenant, it will be necessary to review the building maintenance program to allow for these works to be undertaken prior to the building being leased.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place between Finance and Business and Technical Services on the proposed works and **attached (Attachment B)** the proposed building maintenance works.

SUMMARY

The Expression of Interest process has identified two potential lessees for the Old Headmaster's Cottage. It is recommended that negotiations now be entered into with these parties with a view to granting a lease to one of them for a term of five years. Essential building maintenance works need to be carried out by Council and funded under the recurrent program.

RECOMMENDATION

- A. That the results of the inviting of Expressions of Interest for a lease of the Old Headmaster's Cottage be received and noted.
- B. That the General Manager or his delegate be authorised to enter into negotiations with proponents 1 and 2 with a view to granting a lease to one of the proponents for five years in accordance with the terms generally set out in the report.
- C. That, subject to satisfactory compliance with the provisions of Section 47A of the Local Government Act, a lease be granted to the successful proponent.
- D. That the execution of all documents relating to the lease be delegated to the Mayor and General Manager
- E. That the Common Seal of Council be affixed to the lease documents.
- F. That should negotiations with proponents 1 and 2 not be successful, the General Manager be authorised to enter into negotiations with the other proponents and report back to Council.
- G. That \$8,600 be allocated for essential building maintenance work on the Old Headmaster's Cottage from the building maintenance program.

Deborah Silva

Commercial Services Coordinator

John Clark

A/Director Finance & Business

Greg Piconi

Director Technical Services

Attachments:

A. List of proponents and comments - Confidential



B. Proposed building maintenance works-703220

[illegible]

[illegible]

[illegible]

[illegible]

Photos	Areas for Repair	Estimate breakdown	Cost	Date	Completion
					
	<i>Gutters require cleaning as fire risk and causing the roof to leak</i>	<i>Contractor \$500</i>	\$ 655		
	<i>Replace sections</i>				
					
	<i>Painting of various area's to exterior and interior areas</i>	<i>Material \$ 575.00</i>			
	<i>General cleaning</i>	<i>Labour \$1450.00</i>	\$ 2,225		
		<i>\$200</i>			
		TOTAL	\$ 8,600		



DRAFT PESTICIDE NOTIFICATION PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To place the draft Pesticide Notification Plan on public exhibition.

BACKGROUND:

Amendments to the Pesticides Regulation 1995 have introduced new requirements for the notification of pesticide use by public authorities. The amended Pesticides Regulation requires all NSW councils prepare Pesticide Notification Plans in relation to their own pesticide applications in outdoor public places.

The draft Pesticides Notification Plan encompasses all herbicide, fungicide, insecticide, bait and repellent applications in Council owned, outdoor public places.

COMMENTS:

The primary objective of the Pesticides Notification Plan is to allow members of the public to make informed decisions and choose to reduce their exposure to pesticides, if desired.

In many instances, the Plan will serve to formalise Council's pre-existing notification arrangements and thereby incur minimal change to Council's operations.

RECOMMENDATION:

That Council endorses the public exhibition of the draft Pesticides Notification Plan for a minimum period of 28 days to allow public comment with a further report to be presented to Council.

PURPOSE OF REPORT

To place the draft Pesticide Notification Plan on public exhibition.

BACKGROUND

The Ku-ring-gai Local Government Area covers an area of 8,536.7ha consisting of 1,110ha of bushland, 177ha of parkland, 17ha of gardens, 3,792ha of residential housing and approximately 981ha of road reserves. Council has certain obligations to use pesticides (within the above noted areas), such as for the control of noxious weeds, maintenance of road verges, parks and sports grounds and protection of the public from danger or nuisance pests.

Amendments to the Pesticides Regulation 1995 have introduced new requirements for the notification of pesticide use by public authorities. The amended Pesticides Regulation requires all NSW councils to prepare Pesticide Notification Plans in relation to their pesticide applications in outdoor public places and to provide notice according to the plan.

The Department of Environment and Conservation (2006) defines pesticides as any substance or mixture of substances used to destroy, suppress or alter the life cycle of any pest. Pesticides include herbicides, fungicides, insecticides, fumigants, bactericides, rodenticides, baits, lures, repellents and pesticides used on animals to control external parasites.

A draft Pesticide Notification Plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995. The aim of this plan is to satisfy the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by Ku-ring-gai Council. The plan allows members of the community to take action to avoid or minimise contact with pesticides, if desired. As general practise, Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment.

The draft Pesticide Notification Plan establishes how Council will notify members of the community of pesticide applications on Council owned public places.

The plan describes:

- the types of public places that are covered by the Plan;
- regular user groups of these public places and an estimate of the level of use;
- the notification arrangements that Council will provide to the community regarding pesticide applications in public places;
- how the community can access this Plan and get more information about Council's notification arrangements
- how future reviews of the plan will be conducted.

Under the draft Plan, notice of pesticide use will be provided through a combination of:

- temporary signage;
- information on Council's website;
- newspaper circulars; and
- letters;

Item 10

S02790
23 November 2006

Presently, Council only uses or allows the use of pesticides in public places when necessary to eliminate noxious weeds, to protect public property from pest damage and to protect the users of public places or wildlife from nuisance or danger. The majority of pesticide use consists of applying herbicides for weed control and the frequency of programmed applications range from annually at public gardens, road verges and bushlands, seasonally at Council's sportsgrounds to weekly at golf courses and bushcare sites. Other, more periodic applications of pesticides include fungicides, insecticides and large vertebrate baits (e.g. fox and rabbit baits).

COMMENTS

Under the draft Pesticides Notification Plan, Council will be required to provide public notice for certain pesticide applications. Council's notification arrangements are based on an assessment of:

- the level of usage of public places where pesticides may be applied;
- pesticide toxicity and physical form of the pesticide (e.g. liquid or spray), which is commonly expressed as a 'schedule' rating;
- the extent to which members of the public who are most likely to be sensitive to pesticides (e.g. young children, sick, pregnant and elderly people) and are likely to use these areas regularly; and
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed).

For instance, pesticides with a relatively low toxicity and that are applied in a precise manner (e.g. spot spray) are allocated minimal notification arrangements, such as relocatable signage under the draft Plan due to the low potential for contact. Conversely, pesticides with an increased toxicity, or that are applied to a wider area are given more stringent notification arrangements, such as newspaper advertisements, information on Council's website and correspondence sent to adjoining residents prior to application.

Notification provisions have also been developed for pesticide applications near sensitive places, Council owned sites managed under contract and for emergency pesticide applications.

Exemptions

Other than by way of description in the draft Plan, Council does not intend to provide notice for the use of pesticides involving hand-application techniques (e.g. 'cut-and-paint' and 'stem-scrape') in public places due to the small quantity of pesticide used and the wide availability of these pesticides for domestic purposes (including home gardening).

This will also apply to the minor control of indoor and outdoor pests using baits or aerosol spray cans that are widely available in retail outlets and ordinarily used for domestic purposes.

What information will be provided

In accordance with the Pesticides Regulation, notice of pesticide uses will include the following information:

- the full product name of the pesticide to be used;
- the purpose of the use, clearly setting out what pest or pests are being treated;

Item 10

S02790
23 November 2006

- the proposed date/s or date range of the pesticide use;
- the places where the pesticide is to be used;
- contact telephone number and email address of the Council officer who people can contact to discuss the notice; and
- any warnings regarding re-entry to or use of the place, if specified on the pesticide product label or the APVMA¹ permit.

CONSULTATION

Council's Bushland, Catchments and Natural Areas Committee have reviewed the draft Plan.

FINANCIAL CONSIDERATIONS

Direct costs of exhibiting the draft Policy include advertising costs, printing costs for distribution to key stakeholders, notification costs and staff time.

Once adopted, initial costs of implementing the Pesticides Notification Plan will include the manufacture of notification signage. Ongoing implementation costs associated with the Pesticides Notification Policy will be absorbed in annual operational budgets.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Input into the draft Plan has been sought from Open Space and Technical Services.

SUMMARY

Amendments to the Pesticides Regulation 1995 have introduced new requirements for the notification of pesticide use by public authorities. The amended Pesticides Regulation requires all NSW councils to prepare Pesticide Notification Plans in relation to their pesticide applications in outdoor public places and to provide notice according to the plan.

A draft Pesticide Notification Plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995. The aim of this Plan is to satisfy the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by Ku-ring-gai Council. The Plan allows members of the community to take action to avoid or minimise contact with pesticides, if desired.

Council's notification arrangements are based on an assessment of:

- the level of usage of public places where pesticides may be applied;
- pesticide toxicity and physical form of the pesticide (e.g. liquid or spray), commonly expressed as a 'schedule' rating;

¹ The Australian Pesticides and Veterinary Medicines Authority (APVMA), the national government body responsible for assessing and registering (or otherwise approving) all pesticide products in Australia and for their regulation up to and including the point of retail sale.

Item 10

S02790
23 November 2006

- the extent to which members of the public who are most likely to be sensitive to pesticides and are likely to use these areas regularly; and
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides.

RECOMMENDATION

- A. That the draft Pesticide Notification Plan be exhibited for a period commencing Monday 18 December 2006 to Friday 12 January 2007, during which public comment will be sought.
- B. Provided that no significant changes to the draft Pesticide Notification Plan arise following public exhibition, that the Plan come into effect as of 1st February. Should significant issues arise with the draft plan, the matter be returned to Council for formal consideration.

Graeme Williams
**Community Environment
Officer**

Peter Davies
**Manager Sustainability &
Natural Environments**

Steven Head
**Director Open Space &
Planning**

Attachments: Draft Ku-ring-gai Council Pesticide Notification Plan - 699790

Ku-ring-gai Council

PESTICIDE USE NOTIFICATION PLAN FOR OUTDOOR PUBLIC PLACES

NOVEMBER, 2006

TABLE OF CONTENTS:

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APPENDICES:

- A. OPERATIONAL TEMPLATE**

PESTICIDE USE NOTIFICATION PLAN

1. INTRODUCTION

The Ku-ring-gai Local Government Area covers an area of 8,446ha consisting of 1,110ha of bushland, 177ha of parkland, 17ha of gardens, 3,792ha of residential housing and approximately 981ha of road reserves. Council has certain obligations to use pesticides, such as for the control of noxious weeds, maintenance of parks and sports grounds and protection of the public from danger or nuisance pests.

The Department of Environment and Conservation (2006) defines pesticides as any substance or mixture of substances used to destroy, suppress or alter the life cycle of any pest. Pesticides include herbicides, fungicides, insecticides, fumigants, bactericides, rodenticides, baits, lures, repellents and pesticides used on animals to control external parasites.

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation).

The aim of this plan is to satisfy the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by Ku-ring-gai Council. The plan allows members of the community to take action to avoid contact with pesticides, if desired. As general practise, Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment. Standard safety precautions, such as restricting pesticide use in high wind conditions and avoiding pesticide applications in close proximity to schools during the term will be followed as a matter of practice.

The following plan sets out how Council will notify members of the community of pesticide applications on Council owned public places.

The plan describes:

- the types of public places that are covered by the plan
- who regularly uses these public places and an estimate of the level of use
- the notification arrangements that Council will provide to the community regarding pesticide applications in public places
- how the community can access this plan and get more information about Council's notification arrangements
- how future reviews of the plan will be conducted
- contact details for anyone wishing to discuss this plan with Council.

Council only uses or allows the use of pesticides in public places when necessary to eliminate noxious weeds, to protect public property from pest damage and to protect the users of public places or wildlife from nuisance or danger.

The majority of pesticide use consists of applying herbicides for weed control and the frequency of programmed applications range from annually at public gardens, road verges and bushland to weekly at golf courses and bushcare sites. Other, more periodic applications of pesticides include fungicides, insecticides and large vertebrate baits.

Further information on Council's pesticide use can be obtained by calling Ku-ring-gai Council on 9424 0770 or by visiting the website www.kmc.nsw.gov.au

2. PUBLIC PLACES COVERED BY THIS PLAN

Ku-ring-gai Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls in the Ku-ring-gai Local Government Area.

- public parks
- sporting fields
- public gardens
- bushland and natural areas
- Council's golf courses
- road reserves (including nature strips and round-a-bouts)
- car parks
- laneways and footpaths
- easements and drainways
- Council's nursery
- other Council owned facilities

Ku-ring-gai Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

Public places	Regular user groups	Level of use of public place	Type of pesticide use	Application Frequency (approximate)
Public parks	<ul style="list-style-type: none"> • children • families • community groups • local residents 	High	<ul style="list-style-type: none"> • broad-acre / boom spraying • spot spraying 	<ul style="list-style-type: none"> • biannually • monthly
Sporting fields	<ul style="list-style-type: none"> • children • families • recreational groups • sporting clubs • visitors to the area 	High (particularly weekends)	<ul style="list-style-type: none"> • broad-acre / boom spraying • spot spraying 	<ul style="list-style-type: none"> • annually • monthly
Public gardens	<ul style="list-style-type: none"> • local residents • visitors to the area 	Medium	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • annually
Bushland and natural areas	<ul style="list-style-type: none"> • recreational groups • community groups • local residents 	Low - Medium	<ul style="list-style-type: none"> • spot spraying • broad-acre / boom spraying • vertebrate baits 	<ul style="list-style-type: none"> • weekly - annually • as needed • biannually
Golf courses	<ul style="list-style-type: none"> • sports people 	High	<ul style="list-style-type: none"> • broad-acre / boom spraying • spot spraying 	<ul style="list-style-type: none"> • weekly • weekly
Road reserves	<ul style="list-style-type: none"> • local residents 	High	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • as needed
Car parks	<ul style="list-style-type: none"> • local residents • visitors to the area 	High	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • monthly
Laneways and footpaths	<ul style="list-style-type: none"> • local residents • visitors to the area 	Low -Medium	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • quarterly
Easements and drainways	<ul style="list-style-type: none"> • local residents • visitors to the area 	Low	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • as needed
Council nursery	<ul style="list-style-type: none"> • local residents • visitors to the area 	Low	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • as needed
Other Council owned facilities	<ul style="list-style-type: none"> • general community 	High	<ul style="list-style-type: none"> • spot spraying 	<ul style="list-style-type: none"> • as needed

3. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Ku-ring-gai Council will provide notice of pesticide use in public places, including special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Ku-ring-gai Council's, assessment of:

- the level of usage of public places where pesticides may be applied.
- the extent to which members of the public who are most likely to be sensitive to pesticides (e.g. young children, sick, pregnant and elderly people) and are likely to use these areas regularly.
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground)
- the type of pesticide used.

How and when notice of pesticide use will be provided

Notice of pesticide use will be provided through a combination of:

- temporary signage
- information on Council's website (which will describe programmed pesticide use in public places)
- newspaper circulars
- letters

Where no notice will be provided

Other than by way of description in this Plan, Council does not intend to provide notice for the use of pesticides involving hand-application techniques (e.g. 'cut-and-paint' and 'stem-scrape') in Public Places due to the small quantity of pesticide used and the wide availability of these pesticides for domestic purposes (including home gardening).

This will also apply to the minor control of indoor and outdoor pests using baits or aerosol spray cans that are widely available in retail outlets and ordinarily used for domestic purposes.

a). Outdoor recreation areas, public thoroughfares, car parks and easements accessible to the public

The notification arrangements described below will apply to the following public place categories owned or controlled by Council:

- Public gardens
- Public parks
- Sporting fields
- Bushland and natural areas
- Road reserves
- Car parks
- Laneways and footpaths
- Easements and drainways

Notification Type 1 - signage will be provided to the general community near the application area and/or main entrance during and post application on day of pesticide application for the following uses of pesticides listed as **Schedule 5 or below**.

- spot spraying

Notification Type 2 - signage will be provided to the general community near the application area and/or main entrance at least 48 hours prior to application, as well as during and post application on day of pesticide application for the following uses of pesticides listed as **Schedule 5 or below**.

- broad-acre / boom spraying

Notification Type 3 - signage will be provided to the general community near the application area and/or main entrance at least 48 hours prior to application, as well as during and post application on day of pesticide application. In addition, an advertisement will be placed in a local newspaper and on Council's webpage up to 14 days prior to application. Correspondence will also be sent to adjoining residents at least 48 hours in advance for the following uses of pesticides listed as **Schedule 6 or above**:

- spot spraying
- broad-acre / boom spraying

b) Other Council owned facilities

The notification arrangements described below will apply to the following public place categories owned or controlled by Council:

- Council nursery
- Other Council-owned facilities

Notification Type 4 - signs will be provided to the general community near the application area and/or main entrance during and post application on day of pesticide application for the following uses of pesticides listed as ***Schedule 5 or below***:

- spot spraying
- broad-acre / boom spraying

Notification Type 5 - signs will be provided to the general community near the application area and/or main entrance at least 48 hours prior to application, as well as during and post application on day of pesticide application. Correspondence will also be sent to adjoining residents and/or property tenants at least 48 hours in advance for the following uses of pesticides listed as ***Schedule 6 or above***:

- spot spraying
- broad-acre / boom spraying

c) Council's golf courses

The notification arrangements described below will apply to the following public place categories owned or controlled by Council:

- Council Golf Courses

Notification Type 6 - signs posted at the first tee and near the application area during and post application on day of pesticide application for the following uses of pesticides listed as:

- spot spraying (all schedules)
- broad-acre / boom spraying (schedule 5 or below)

Notification Type 7 - letters will be sent to surrounding residents up to 7 days prior to application for the following uses of pesticides listed as ***Schedule 6 or above***:

- broad-acre / boom spraying

d) Special measures for sensitive places

Clause 11J(1) of the Pesticides Regulation defines a sensitive place to be any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home
- place declared to be a sensitive place by the Department of Environment and Conservation.

Notification Type 8 - Where any of the above pesticide uses (other than spot spraying of pesticides listed as schedule 5 or below) occur adjacent to, or at sensitive places targeted correspondence will be sent to the property tenants within 48 hours prior to application; in addition to standard notification arrangements for that place.

e) Vertebrate baits

Council is responsible for the control of feral animals (eg. fox & rabbit) through the laying of poison baits in outdoor recreation areas. The aim of Council's feral animal control program is to protect native flora and fauna from predation or to prevent damage to Council assets.

Notification Type 9 - The vertebrate bait control program is managed in accordance the conditions specified in permits issued by the relevant State Government department. These permits have their own specific conditions for public notification. For more information on Council's feral animal control program, please call Council or visit the Ku-ring-gai Council website (listed below).

f) Notification of emergency pesticide applications

In certain instances, Council may be required to use emergency pesticide applications in public places when required to deal with biting or dangerous pests that pose an immediate health hazard.

Notification Type 10 - signs will be provided to the general community near the application area and/or main entrance during and post application on day of pesticide application for all emergency pesticide uses.

Where the above pesticide uses occur adjacent to sensitive places (see definition of 'sensitive places', under subsection e) Council will endeavour to notify relevant tenants of the site/s at least 30 minutes prior to application.

g) Pesticide contractors of public places

Where Ku-ring-gai Council engages contractors to perform works, these works will remain consistent with this plan.

Persons or organisations holding an existing lease on land owned by Ku-ring-gai Council that remains a public place will be required operate in accordance with this Notification Plan.

4. WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 11L(2)(g) of the Pesticides Regulation, notice of pesticides uses will include the following information:

- the full product name of the pesticide to be used, and
- the purpose of the use, clearly setting out what pest or pests are being treated, and
- the proposed date/s or date range of the pesticide use, and
- the places where the pesticide is to be used, and
- contact telephone number and email address of the Council officer who people can contact to discuss the notice, and
- any warnings regarding re-entry to or use of the place, if specified on the pesticide product label or the APVMA¹ permit.

5. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Ku-ring-gai Council will advise residents of this plan and its contents by:

- making a copy of the plan available for viewing, free of charge, at its main office at 818 Pacific Highway, Gordon NSW 2072.
- placing a copy of the plan on the its website.
- placing a notice in a locally circulated newspaper.
- placing a notice in the NSW Government Gazette.

6. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every 3 years or when circumstances require a review of the plan. The review will include:

- a report on progress of implementing the plan
- public consultation on the notification methods outlined in the plan
- recommendation for alterations from public submissions (if applicable) to the plan.

7. CONTACT DETAILS

Anyone wishing to contact Ku-ring-gai Council to discuss the notification plan or to obtain details of pesticide applications in public places should, in the first instance contact Council's:

Community Environment Officer

Locked Bag 818, Pymble NSW 2073

PH. 9424 0770

¹ The Australian Pesticides and Veterinary Medicines Authority (APVMA), the national government body responsible for assessing and registering (or otherwise approving) all pesticide products in Australia and for their regulation up to and including the point of retail sale.

8. GLOSSARY

Broad-acre / Boom spraying - application of pesticide using motorised vehicle with a boom apparatus and multiple number of spray jets to disseminate pesticide over wide area.

Herbicide - Substance designed to destroy, suppress or prevent the spread of a weed or other unwanted vegetation; for example, the herbicide glyphosate is used to control a range of weeds in home gardens, bushland and agricultural situations.

Pesticide - An 'agricultural chemical product' as defined in the Agricultural and Veterinary Chemicals Code Act 1994, namely: 'a substance or mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:

- destroying, stupefying, repelling, inhibiting the feeding of, or preventing infestation by or attacks of, any pest in relation to a plant, a place or a thing;
- destroying a plant;
- modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity;
- modifying an effect of another agricultural chemical product; or
- attracting a pest for the purpose of destroying it product;

Pesticides Act 1999

Schedule - Schedules are used to classify pesticides and to control the availability of a product to the general public. They take into account things like how toxic a substance is, how it will be used and what form it takes (whether it's liquid or spray etc).

Pesticides are either unscheduled or fall under schedules 5, 6 or 7. Each schedule has a warning, which appears in large contrasting lettering on the label.

Scheduled poison	Label warning	Toxicity level
Unscheduled	Some may display 'Keep out of reach of children'	Lowest (readily available at over counter sources)
Schedule 5	Caution	Slight
Schedule 6	Poison	Moderate
Schedule 7	Dangerous poison	High (even for small doses)

<http://www.betterhealth.vic.gov.au/>

Sensitive place - school or pre-school, kindergarten, childcare centre, hospital, community health centre, nursing home, or any additional place declared to be a sensitive place by the Environment Protection Authority (now a part of the Department of Environment and Conservation), as declared under clause 11J(1) of the *Pesticides Regulation 1995* NSW.

Spot spraying – hand-held application of pesticide using either a pump, spray or pressurised applicator device.

Vertebrate Bait - pre-prepared products or products which need to be mixed with a food catalyst to control a pest, including large animals, such as foxes and rabbits, and baits for insects, such as cockroaches and ants.

DRAFT

Appendix A. Operational Template

Location:	Application Type:							
	Hand-Application Techniques (bush regen. methods & over-counter aerosols)	Spot Spray Schedule 5 or below	Spot Spray Schedule 6 or above	Broad-acre/ Boom Schedule 5 or below	Broad-acre/ Boom Schedule 6 or above	Sensitive Place (adjacent to)	Vertebrate Baits	Emergency Pesticide Applications
Public Parks	EXEMPT	1	3	2	3	8	9	10
Sporting Fields	EXEMPT	1	3	2	3	8	9	10
Public Gardens	EXEMPT	1	3	2	3	8	9	10
Bushland and Natural areas	EXEMPT	1	3	2	3	8	9	10
Road Reserves	EXEMPT	1	3	2	3	8	9	10
Car Parks	EXEMPT	1	3	2	3	8	9	10
Laneways and Footpaths	EXEMPT	1	3	2	3	8	9	10
Easements accessible to public	EXEMPT	1	3	2	3	8	9	10
Council nursery	EXEMPT	4	5	4	5	8	9	10
Other Council owned facilities	EXEMPT	4	5	4	5	8	9	10
Golf Courses	EXEMPT	6	6	6	7	8	9	10

DRAFT

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF MEETINGS 16 OCTOBER & 20 NOVEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 16 October & Monday, 20 November 2006.
BACKGROUND:	The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.
COMMENTS:	<p>The meeting of 16 October discussed an update with the Noxious Weeds Act and the newly developed Encroachment Policy.</p> <p>At the meeting of 20 November, four items were presented including the updated Draft Bushfire Prone Land Map, fire compartments, Councils Draft Pesticide Notification Plan and the North Wahrenonga to North Turramurra fire trail.</p>
RECOMMENDATION:	That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 16 October & Monday, 20 November 2006 and attachments be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 16 October & Monday, 20 November 2006.

BACKGROUND

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

There were two items for general business discussion in the meeting of Monday 16 October:

1. discussion on the changes and subsequent effect of the Noxious Weeds Act, which in effect, enables Council staff to authorise the removal of noxious weeds within these classes listed in Class 3 and Class 4 of the Noxious Weeds Act.
2. consideration of a preliminary Draft Encroachment Policy. This will be considered by Council for adoption as a Draft for consultation in December 2006.

There were four items for general business discussion in the meeting of Monday 20 November:

1. Councils Fire Mapping Technical Officer's gave the Reference Group an update on the Draft Bushfire Prone Land Map. The presentation outlined the processes for the updating of the Map in terms of legislative context, methodology, mapping guidelines, categories of the map as well as providing examples of typical changes. This will be considered by Council in December 2006.
2. Colin Manton from the NSW Rural Fire Service gave an update on the role of fire compartments as part of the implementation of the Hornsby/ Ku-ring-gai 4 year hazard reduction plan.
3. Consideration of a preliminary draft Pesticide Notification Plan. This will be considered by Council for adoption as a draft for consultation in December 2006.
4. Councils Technical Officer (Bushfire) also gave a presentation on the progress of the new and upgrade of the existing fire trail from North Wahroonga to North Turramurra funded by the Environmental Levy.

A preliminary copy of the proposed Draft Volunteer Policy was also distributed to members of the Committee. This is scheduled to be considered by Council in December 2006.

CONSULTATION

The Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Reference Group considered two items of business at its meeting held on Monday, 16 October 2006. The changes in relation to Noxious Weeds Act and the Draft Encroachment Policy.

At the meeting of Monday, 20 November 2006 the Reference Group received an explanation and presentation of the updated Draft Bushfire Prone Land Map, fire compartments within Ku-ring-gai, the Draft Pesticide Notification Plan and were briefed on the progress of the fire trail from North Wahroonga to North Turramurra.

RECOMMENDATION

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meetings of Monday, 16 October & Monday, 20 November 2006 and attachments be received and noted.

Peter Davies

Manager Sustainability & Natural Environments

Steven Head

Director Open Space & Planning

- Attachments:**
- 1. Minutes of meeting Monday, 16 October 2006 - 684112**
 - 2. Draft Encroachment Policy presentation - 690327**
 - 3. Draft Bushland Priority Rating System presentation - 692999**
 - 4. Proposed meeting dates for 2007 - 687993**
 - 5. Minutes of Meeting 20 November 2006 - 700043**
 - 6. Bushfire Prone Land Map presentation - 698216**
 - 7. North Wahroonga to North Turramurra fire trail update presentation - 698339**

BUSHLAND CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Monday 16 October 2006
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Margaret Booth Margery Street Neroli Lock Nancy Pallin Mark Taylor David Robinson Stephen Shortis	Clr. M. Shelley – Deputy Chair	Peter Davies – Manager Sustainability & Natural Environments Graeme Williams – Community Environment Officer Jenny Scott – Sustainability Program Leader

Apologies:

Members	Councillors	Staff
Colin Manton James Rennie	Clr. E. Malicki Clr. A. Andrew – Chair	Steven Head – Director Open Space & Planning

Meeting open 7.00pm.

Declaration of Pecuniary Interests:

No pecuniary interested declared.

Confirmation of Minutes:

Minutes were confirmed with one change in relation to an item presented by Dr Taylor on riparian management on page 2 which needs to be changed to “in excess of 900 NSW coastal ephemeral streams”.

Amended minutes were accepted by the Committee.

Sustainability Program Leader (Jenny Scott) and Community Environment Officer (Graeme Williams) were introduced to the Reference Group.

Business arising from the previous meeting

No business arising from previous meeting.

General Business

BC&NARG 27 – Noxious weeds

Nancy Pallin thanked the Community Environment Officer for his response to the Noxious Weed Strategic and Legislative update. The Reference Group agreed there is a need to explore ‘off-label’ permits to control specific weeds by Council and community groups such as ‘Bushcare’. The Reference Group suggested a small working party be established to collaborate with staff on this matter. Nominations included: Nancy Pallin, Neroli Lock, Margaret Booth and Margery Street. Manager Sustainability & Natural Environment to nominate a staff member to co-ordinate this working party.

Council’s Community Environment Officer advised that Order 20 of the Noxious Weeds Act 1993 has been released with a change of three ‘Class 4’ noxious weeds to S03448

‘Class 3’: *Ludwigia longifolia* (long-leaf willow primrose) *Cortaderia* spp. (pampas grass) *Alternanthera philoxeroides* (alligator weed).

This means that these species must be fully and continuously suppressed and destroyed and hence, Council can now enforce complete removal under ‘Class 3’ for these noxious weeds rather than just ‘control’ under ‘Class 4’.

BC&NARG 28 – Risk Analysis Rating Framework for Council Bushland Reserves & Draft Bushland Encroachment Policy

Council’s Sustainability Program Leader gave an overview of a new bushland rating framework that Council is currently developing to assess all bushland reserves. The rating framework will allow Council to guide its allocation of resources in a more strategic manner and will link into the bushland encroachment policy (copy of the powerpoint is attached).

Specific items for input:

- understanding and interpretation of the values headings in the priority matrix.
- Margery Street asked how community members could be chosen.
- Sustainability Program Leader said initially this would focus on sites of known impact.

Council’s Community Environment Officer presented an overview of the draft Bushland Encroachment Policy, including:

- legislative framework under Local Government Act 1993.
- classification of bushland using priority rating framework to prioritise management response.
- identification methods for reported encroachments (e.g. aerial photos and DP plans etc).
- approaches to engage residents to avoid angst and feelings of victimisation
- seeking compliance, initially through voluntary cooperation followed by enforced orders when necessary.
- methods for removal or encroachments and when rehabilitation of land will be sought.

The Reference Group raised the following questions/issues in relation to the draft Bushland Encroachment Policy:

Margery Street suggested that the draft policy needs to consider where encroachment may impact on public walkways. There may be a need to indicate by way of signage, that the land is public land and able to be accessed.

Margery Street suggested that PDA’s (Personal Digital Assistant) need to be investigated as a means for officers to complete property inspection reports.

David Robinson asked how encroachments may be dealt with on a reserve basis.

Nancy Pallin and Margery Street informed that they had reviewed the Draft Policy with acclaim, and believe that it should address many long standing issues.

Councillor Maureen Shelley also commented on the need to recognise community impact issues on implementation of the policy.

Margaret Booth raised the point that the DA process needs to look at encroachment as part of the assessment process.

Nancy Pallin queried how the policy undertakings will be reported and evaluated.

David Robinson – enquired if Council can charge rent for land subject to an encroachment.

The following responses were provided to the Reference Group's concerns:

The Community Environment Officer advised that the Draft Policy currently prioritises public safety and access impediments.

The Manager Sustainability & Natural Environment indicated that he will investigate the use of PDA devices for completing Property Inspection Reports.

The Community Environment Officer informed that the Draft Policy would seek to deal with reserves or reserve portions (for larger reserves) based on ecological criteria. It was agreed that the classification hierarchy could be refined with positive and negative ratings.

The Community Environment Officer advised of current efforts to explore the capacity of S149 (Planning/Building) certificates to identify encroachments at the development phase.

The Community Environment Officer suggested that policy undertakings will be reported using quantitative information (e.g. how many issues reported, what stage compliance was reached, how many orders were issued, how many orders complied with, how many court elects, financial outputs etc).

The Manager Sustainability & Natural Environment suggested that this be included in a report to Council. This includes legal costs.

The Community Environment Officer advised that S47D of the Local Government Act prohibits granting leases on land categorised as Natural Areas so renting is not possible.

The Manager Sustainability & Natural Environment gave approval for Councillor Maureen Shelley to email the Community Environment Officer directly with comments relating to the Draft Policy.

Neroli Locke suggested that a copy of "Recovery bushland on the Cumberland Plain" document be given to Council's nursery.

Councillor Maureen Shelley asked for a nominee for the Hawkesbury Nepean CMA/LGMA meeting. Mark Taylor would be supported by Council and the minutes of meeting be forwarded to the Reference Group. Manager Sustainability & Natural Environment to forward Dr Taylor as an applicant to the LGMA.

Other business

There was no other business.

Next Meeting

Monday 20 November - Level 3 Ante Room at 7.00 pm

Meeting Closed at 9.05pm

S03448



Draft Bushland Encroachment Policy

**Prepared for Ku-ring-gai Council's
Bushland, Catchments and Natural Areas
Reference Group**

16.10.06

Legal Framework

- LG Act 1993 provides extensive restrictions on the mgt and use of community land.
- *“The exclusive occupation or exclusive use of community land otherwise than in accordance with a lease, license or estate is prohibited.”* s.47D LG Act
- In respect of community land categorised as a natural area, no lease or license can be granted for private residential purposes.

Why a Policy Approach?

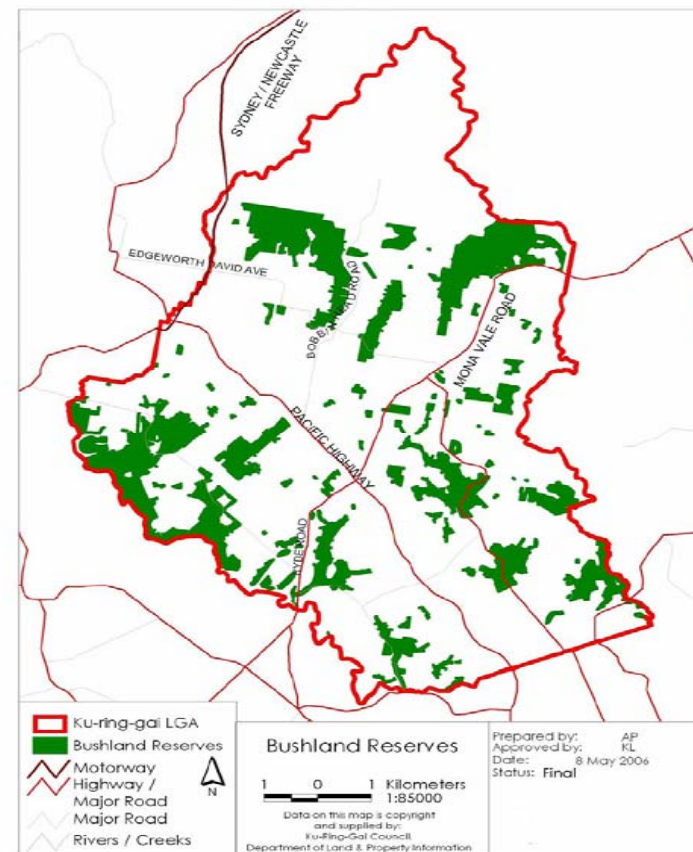
- Policy = endorsed plan of action to guide decisions and outcomes.
- Regulatory policies limit individual & corporate discretion, supported by sanctions or a penalty.
- Council's Bushland PoM & Bio. Strategy recognise issue of encroachments; no detail in addressing the complexity involved with enforcing legislative requirements.
- First known policy in NSW.



Background:

- Ku-ring-gai LGA
 - 1,100 ha of Council-managed reserves
 - 2,450 properties adjoining Council bushland
 - 92km of interface
 - high proportions of home owners (60%)

Encroachments reflect notions of ownership & pride and often passes with land title.



Policy Intent:

To provide a strategic, cost-effective and consistent enforcement framework to address issues of non-compliance with the Local Government Act, 1993 relating to encroachments on Council-managed bushland reserves throughout the LGA.

Aims

1. To provide a functional and transparent framework to direct Council's response in the management of encroachments on Council bushland.
2. To reduce the impact of encroachments on the ecological integrity of bushland within the Ku-ring-gai LGA.
3. To raise community appreciation and respect for community land.
4. Ensure Council satisfies its legal obligations under the *Local Government Act, 1993*.



Process and Management

1. Classification -PRS

- Guide management prioritisation & outcomes.

- Partitions into 3 classes based on ecological criteria & linear extent.

LINEAR EXTENT	Large (>15m)	B	A	A
	Moderate (5–15m)	C	B	A
	Small (<5m)	C	C	B
		Low	Medium	High
BUSHLAND SENSITIVITY				

Class	Priority	Op. Response	Objective
A	High Priority	Stages 1 – 3 of PIR. Emphasis on voluntary compliance underpinned by regulation & education.	Complete removal and rehabilitation.
B	Medium Priority	Stages 1 & 2 of PIR. Emphasis on education & negotiating vol. compliance.	Voluntary removal and rehabilitation.
C	Low Priority	Stage 1 of PIR. Written notification & education materials sent & vol. compliance upon resident initiation.	Documentation and promotion of voluntary removal.

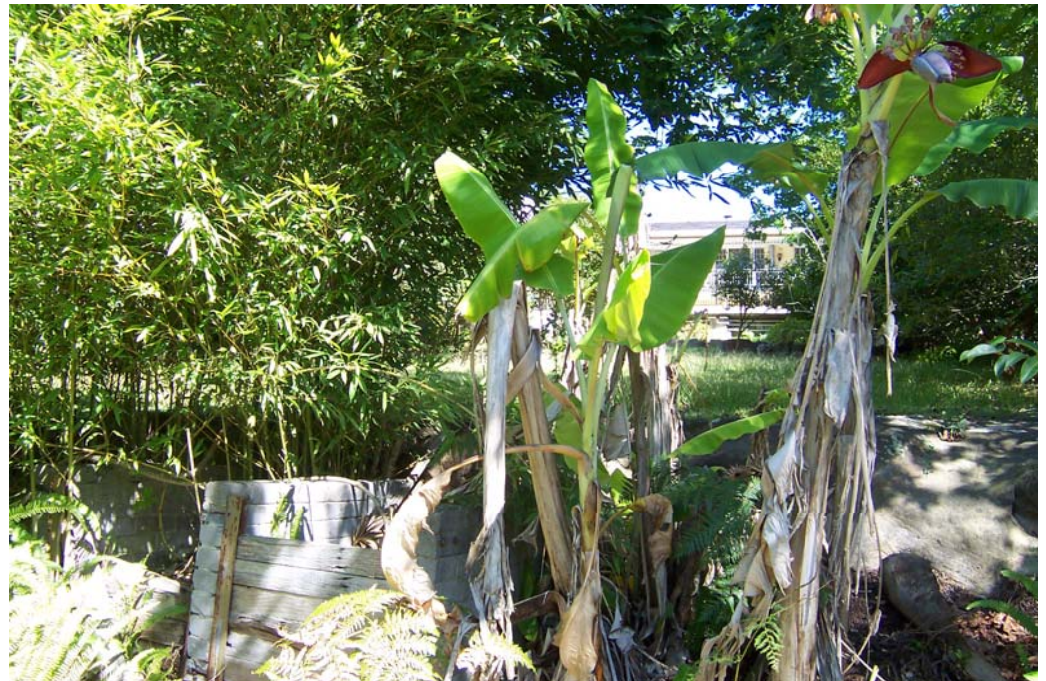
2. Desktop Review (Stage 1 of PIR)

Collate info to make informed decision

- property file
- aerial image
- lot & dp plan

3. Resident Engagement (Stage 2 of PIR)


- site inspection
- resident meeting
- admission of 'use'



- 4. Compliance (Stage 3 of PIR)

- voluntary or enforced
- officer recommendation
- mgt support

- 5. Removal & Rehabilitation



Voluntary Compliance Agreement

Name of Reserve: _____ Owner/Occupier Name/s: _____

Lot/DP/SP No. _____ Address: _____

Ph: (H) _____ (W) _____ (MB) _____

Encroachment Description: _____

Required Outcome: *Total removal of all encroachments located on community land*

Terms of Agreement:

Removal of the encroachment will be carried out in accordance with the following terms:

Specific Terms:

- All physical structures, including but not limited to landscaped garden beds, sheds, paving, BBQs, clotheslines, trampolines, play ground equipment and verges will be removed from community land, as indicated by the approximate, marked property boundary line.
- Desist from all works (including mowing, clearing or gardening, etc) on community land unless otherwise approved as part of Council's Bushcare program.
- Rehabilitate land through weed spraying, mulching and planting of indigenous plant species.

General Terms:

- Any variation or extension to these terms must be approved in writing by Ku-ring-gai Council.
- Council is not liable for any damages or injuries incurred to any persons or equipment engaged in the removal of an encroachment, either on community or private land.
- Council reserves the right to pursue legal undertakings under the *Local Government Act, 1993* should the terms of this agreement not be satisfied.
- Owners/occupiers of land retain the right to commission a boundary survey (at own cost) at any time.
- Owners/occupiers of land to which this agreement applies may have the terms of this agreement reviewed by Council's Sustainability Program Leader at any time.

Date for Compliance: _____

I/we agree that the encroachment located at the above address will be removed in accordance with the terms specified above, **within 60 days from date of signing.**

Signature of owner/occupier _____ Date _____

Authorising Officer _____ Signature _____

Please contact Council's authorising officer should you require further advice on the above agreement

Office Use Only:

Encroachment removed ☐ Yes, in accordance with the above terms. Resident notification sent.

☐ No, two week extension applied for compliance. Re-inspection date _____ (written notification sent)

☐ No, order to be given

Inspection Officer _____ Date of inspection _____

Ku-ring-gai Council, Locked Bag 1056, Pymble NSW 2073 P.H. (02) 9424 0888

Draft

Bushland Priority Rating System

Issue:

- Over 120 bushland reserves in Ku-ring-gai,
- Limited funding to maintain and rehabilitate reserves,
- Question: how to determine where to invest to create the best return on that investment in terms of the Triple Bottom Line.

The Principles Underpinning the Method

The following principles guided the method:

- Stakeholders determine the outcome,
- Process is transparent and accountable,
- Method permits both quantitative and qualitative assessments,
- All stakeholder interpretations of the values and pressures are valid,
- The results are temporary and need to be periodically (5yrs) confirmed.

The Method

The method consists of 3 steps:

Step A: Determination and ranking of the values. This includes technical value and community value.

(see Matrix axis X)

VALUES

Technical	Endangered communities	3
	Threatened species	3
	Biodiversity Rating	3
	Connectivity	2
	Core size	1
	Council investment	2
	Landscape (geology, etc)	1
Sum Value Technical (Vt)		13
Environmental	Flora conservation	3
	Fauna conservation	3
	Busland condition	2
	Habitat protection	2
	Wildlife corridor	2
	Stormwater quality	2
Social	Carbon sink	1
	Amerity value	2
	Utility value	2
	Heritage value	3
	Quality of life asset	1
	Inter-generational equity	3
Economic	Service corridor	1
	Property value	2
	Opportunity cost	2
	Existence value	3
	Educational value	2
	Local character	2
Sum Values Community (Vc)		38

Step B: Assessing the Pressures

-2	-2	-2	-2	-3	-2	-3	0	-2	-2	-1	-21
-2	-1	-2	-2	-3	-2	-2	0	-2	-2	-1	-19
-2	-2	-2	-2	-3	-2	-2	0	-2	0	-1	-18
-1	-1	-1	-3	-1	-1	-2	0	-2	0	-1	-13
-2	-1	0	-2	-1	-1	-3	0	-2	-1	-1	-14
-2	-2	-2	-1	-3	-1	-2	0	-1	0	-2	-16
0	-2	-1	-1	0	0	0	0	0	-2	-1	-7
-2	-2	-3	-3	-3	-3	-3	-1	-3	-1	-2	-24
-1	-1	-1	-3	-3	-3	-2	-3	-3	-1	-2	-23
-2	-2	-3	-2	-3	-2	-2	-2	-3	-2	-2	-27
-2	-2	-3	-2	-3	-3	-1	-2	-3	-2	-2	-25
-1	-1	-1	-1	-3	-2	-1	-1	-3	-1	-2	-17
-1	-3	-3	0	-3	-2	-3	-1	-3	-3	-1	
1	1	0	0	2	-1	2	-3	-1	-1	0	0
-2	-2	-3	2	-2	-1	-1	-1	-1	-1	-2	-11
-2	-2	-3	2	-1	2	-1	-1	2	-2	1	-5
-1	-1	-1	-1	-2	-1	-2	-1	-3	-2	-2	-17
-2	-1	-3	2	-2	-2	-2	-1	-2	-2	-2	-17
-1	-1	-1	0	-1	-2	-2	-1	-2	-1	0	-12
0	-1	-1	0	0	0	0	2	1	0	0	1
-1	-1	-2	1	-1	-1	3	2	-3	-1	3	-1
0	-1	-3	1	-1	-1	2	-2	-1	-1	2	-5
-2	-1	-3	-1	-1	-2	-1	-2	-3	0	-1	-16
-2	0	-1	1	-1	-1	0	-2	-3	-1	0	-10
-2	-1	-3	-1	-1	-1	2	-1	-3	-1	-2	-14
Dumping Waste	Storm water	Sewage overflows	Recreation activity intensity	Exotic species	Removal of plants rocks wood	Pollution pool water fertilisers pesticides	Bushfire managemen	Clearing bushland	Erosion	Population density	Sum of Pressures (P)
											-331

Pressures

Step C: Conversion to an Area Basis and Plotting the Result

The result is determined by plotting a ratio on the Priority Graph

Ratio

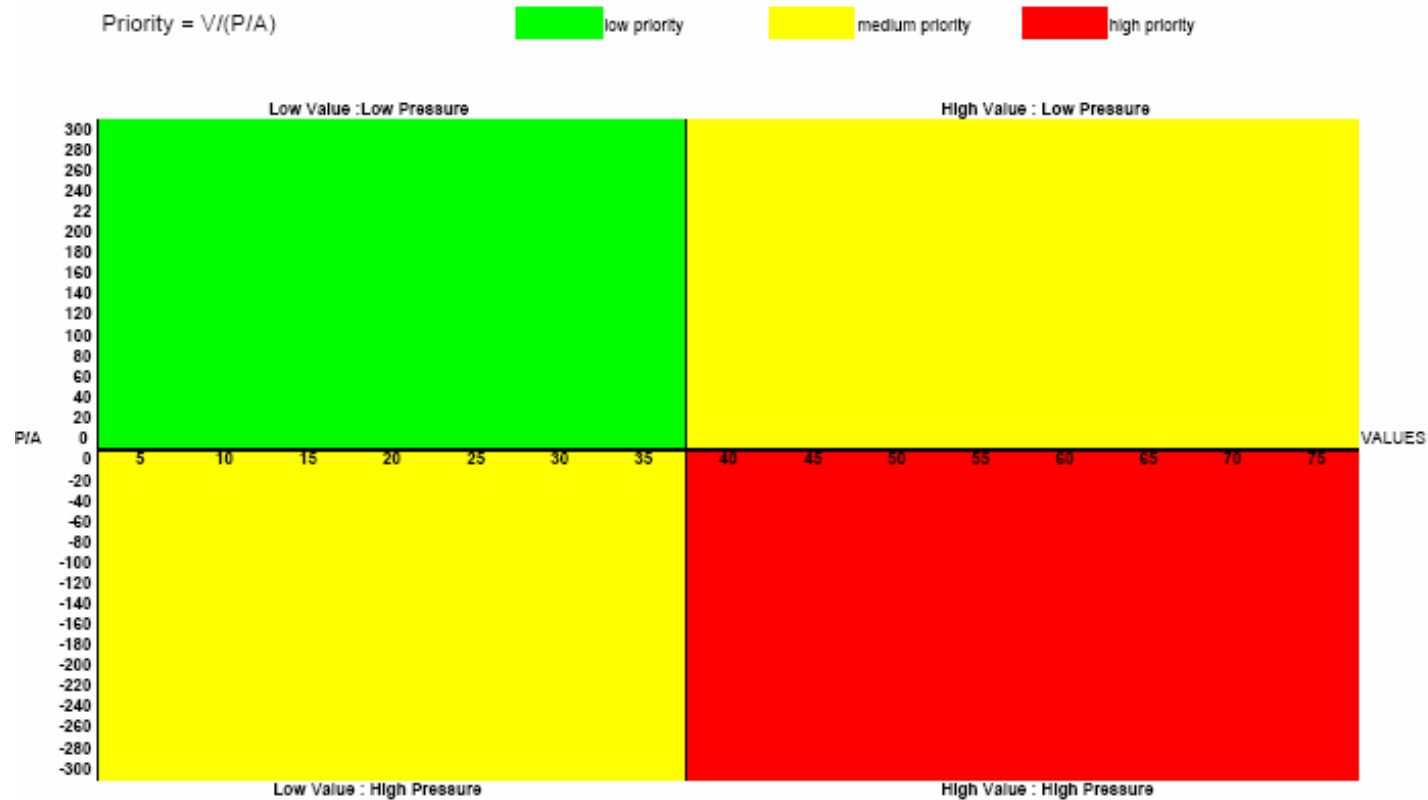
$$V: P/A$$

where: V = sum of values ($V^t + V^c$)

P = sum of pressures

A = area in hectares

Plotting the Result

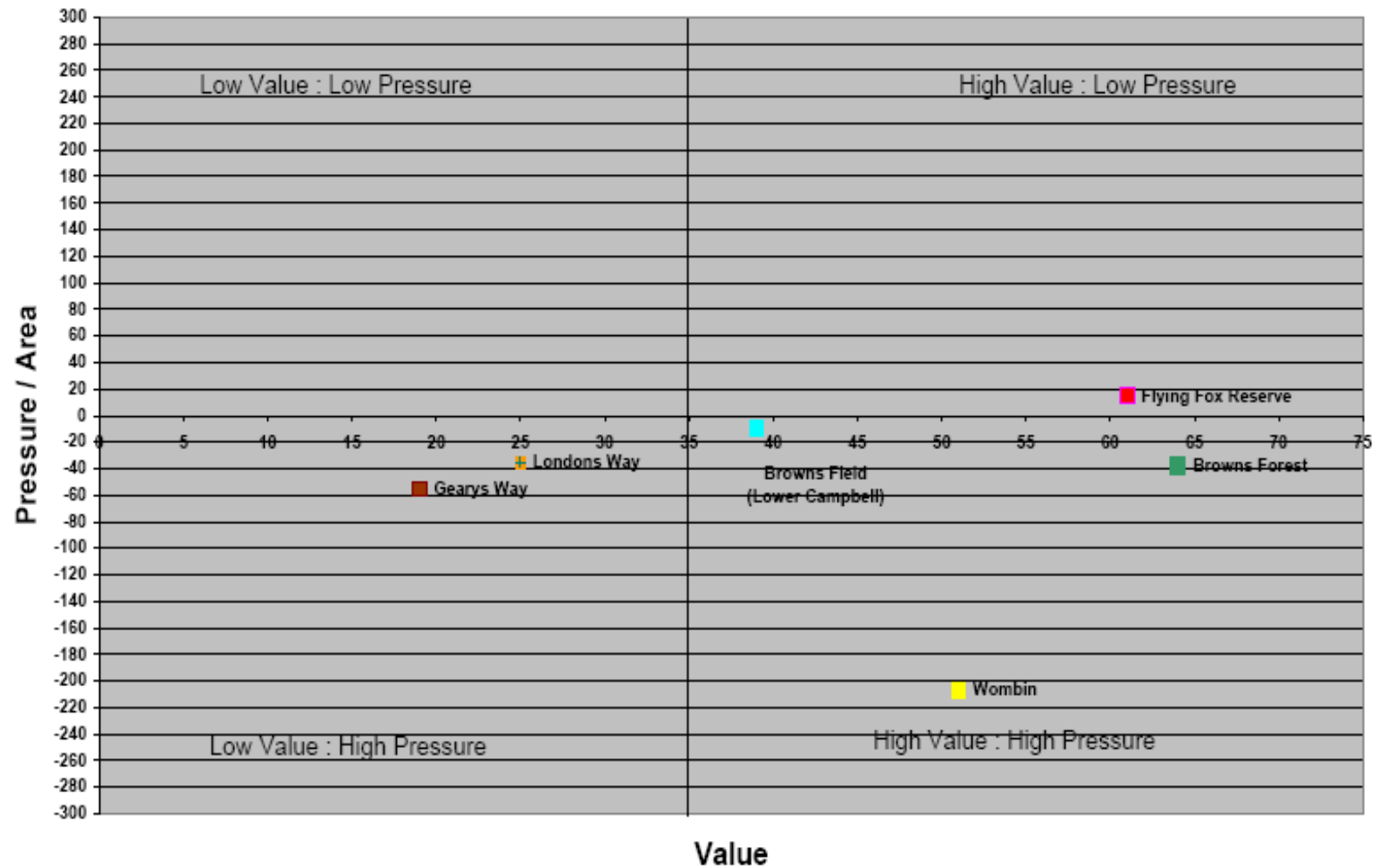


VALUES


Technical	Endangered communities	3	-2	-2	-2	-2	-3	-2	-3	0	-2	-2	-1	-21
	Threatened species	3	-2	-1	-2	-2	-3	-2	-2	0	-2	-2	-1	-19
	Biodiversity Rating	3	-2	-2	-2	-2	-3	-2	-2	0	-2	0	-1	-18
	Connectivity	2	-1	-1	-1	-3	-1	-1	-2	0	-2	0	-1	-13
	Core size	1	-2	-1	0	-2	-1	-1	-3	0	-2	-1	-1	-14
	Council investment	2	-2	-2	-2	-1	-3	-1	-2	0	-1	0	-2	-16
	Landscape (geology, etc)	1	0	-2	-1	-1	0	0	0	0	0	-2	-1	-7
Sum Value Technical (Vt)		13												
Environmental	Flora conservation	3	-2	-2	-3	-3	-3	-3	-3	-1	-3	-1	-2	-24
	Fauna conservation	3	-1	-1	-1	-3	-3	-3	-2	-3	-3	-1	-2	-23
	Bushland condition	2	-2	-2	-3	-2	-3	-2	-2	-2	-3	-2	-2	-27
	Habitat protection	2	-2	-2	-3	-2	-3	-3	-1	-2	-3	-2	-2	-25
	Wildlife corridor	2	-1	-1	-1	-1	-3	-2	-1	-1	-3	-1	-2	-17
	Stormwater quality	2	-1	-3	-3	0	-3	-2	-3	-1	-3	-3	-1	
Social	Carbon sink	1	1	1	0	0	2	-1	2	-3	-1	-1	0	0
	Amenity value	2	-2	-2	-3	2	-2	-1	-1	-1	-1	-1	-2	-11
	Utility value	2	-2	-2	-3	2	-1	2	-1	-1	2	-2	1	-5
	Heritage value	3	-1	-1	-1	-1	-2	-1	-2	-1	-3	-2	-2	-17
	Quality of life asset	1	-2	-1	-3	2	-2	-2	-2	-1	-2	-2	-2	-17
	Inter-generational equity	3	-1	-1	-1	0	-1	-2	-2	-1	-2	-1	0	-12
Economic	Service corridor	1	0	-1	-1	0	0	0	0	2	1	0	0	1
	Property value	2	-1	-1	-2	1	-1	-1	3	2	-3	-1	3	-1
	Opportunity cost	2	0	-1	-3	1	-1	-1	2	-2	-1	-1	2	-5
	Existence value	3	-2	-1	-3	-1	-1	-2	-1	-2	-3	0	-1	-16
	Educational value	2	-2	0	-1	1	-1	-1	0	-2	-3	-1	0	-10
	Local character	2	-2	-1	-3	-1	-1	-1	2	-1	-3	-1	-2	-14
Sum Values Community (Vc)		38	Dumping Waste	Storm water	Sewage overflows	Recreation activity intensity	Exotic species	Removal of plants rocks wood	Pollution pool water fertilisers pesticides	Bushfire management	Clearing bushland	Erosion	Population density	Sum of Pressures (P)
														-331


Pressures


$$\text{Priority} = V : (P/A)$$





**PROPOSED MEETING DATES FOR BUSHLAND
CATCHMENTS & NATURAL AREAS REFERENCE GROUP
FOR 2007
7 PM – LEVEL 3 ANTE ROOM**


 Monday 19 February 2007

 Monday 2 April 2007

 Monday 18 June 2007

 Monday 13 August 2007

 Monday 15 October 2007

 Monday 19 November 2007

BUSHLAND CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Monday 20 November 2006
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

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Margaret Booth Margery Street Neroli Lock Nancy Pallin Mark Taylor David Robinson Stephen Shortis	Clr. M. Shelley – Deputy Chair	Peter Davies – Manager Sustainability & Natural Environments Graeme Williams – Community Environment Officer Jenny Scott – Sustainability Program Leader

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Meeting open 7.00pm.

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- seeking compliance, initially through voluntary cooperation followed by enforced orders when necessary.
- methods for removal or encroachments and when rehabilitation of land will be sought.

The Reference Group raised the following questions/issues in relation to the draft Bushland Encroachment Policy:

Margery Street suggested that the draft policy needs to consider where encroachment may impact on public walkways. There may be a need to indicate by way of signage, that the land is public land and able to be accessed.

Margery Street suggested that PDA’s (Personal Digital Assistant) need to be investigated as a means for officers to complete property inspection reports.

David Robinson asked how encroachments may be dealt with on a reserve basis.

Nancy Pallin and Margery Street informed that they had reviewed the Draft Policy with acclaim, and believe that it should address many long standing issues.

Councillor Maureen Shelley also commented on the need to recognise community impact issues on implementation of the policy.

Margaret Booth raised the point that the DA process needs to look at encroachment as part of the assessment process.

Nancy Pallin queried how the policy undertakings will be reported and evaluated.

David Robinson – enquired if Council can charge rent for land subject to an encroachment.

The following responses were provided to the Reference Group's concerns:

The Community Environment Officer advised that the Draft Policy currently prioritises public safety and access impediments.

The Manager Sustainability & Natural Environment indicated that he will investigate the use of PDA devices for completing Property Inspection Reports.

The Community Environment Officer informed that the Draft Policy would seek to deal with reserves or reserve portions (for larger reserves) based on ecological criteria. It was agreed that the classification hierarchy could be refined with positive and negative ratings.

The Community Environment Officer advised of current efforts to explore the capacity of S149 (Planning/Building) certificates to identify encroachments at the development phase.

The Community Environment Officer suggested that policy undertakings will be reported using quantitative information (e.g. how many issues reported, what stage compliance was reached, how many orders were issued, how many orders complied with, how many court elects, financial outputs etc).

The Manager Sustainability & Natural Environment suggested that this be included in a report to Council. This includes legal costs.

The Community Environment Officer advised that S47D of the Local Government Act prohibits granting leases on land categorised as Natural Areas so renting is not possible.

The Manager Sustainability & Natural Environment gave approval for Councillor Maureen Shelley to email the Community Environment Officer directly with comments relating to the Draft Policy.

Neroli Locke suggested that a copy of "Recovery bushland on the Cumberland Plain" document be given to Council's nursery.

Councillor Maureen Shelley asked for a nominee for the Hawkesbury Nepean CMA/LGMA meeting. Mark Taylor would be supported by Council and the minutes of meeting be forwarded to the Reference Group. Manager Sustainability & Natural Environment to forward Dr Taylor as an applicant to the LGMA.

Other business

There was no other business.

Next Meeting

Monday 20 November - Level 3 Ante Room at 7.00 pm

Meeting Closed at 9.05pm

S03448



Ku-ring-gai Council

Bushfire Prone Land Amendments 2006

Patrick Schell & Ben Hope
Ku-ring-gai Council - Fire Mapping
Officers



Project Goal

- To accurately identify, classify and map the bushfire hazards throughout the Ku-ring-gai LGA in accordance with the *Guidelines for Bushfire Prone Land Mapping (NSW Rural Fire Service, June 2006)*



Legislative Context

- On 1 August 2002 the *Rural Fires and Environmental Assessment Legislation Bill* came into effect.
- Amends both EP&A Act (1979) and the Rural Fires Act (1997)
- Requires Councils to map bushfire prone land within their LGA.



Legislative Context (Cont.)

- In accordance with section 146 of the *Environmental Planning and Assessment Act (1997)* and the NSW Rural Fire Service Bushfire Prone Land Mapping Guidelines (June 2006) Councils are required to maintain and update a Bushfire Prone Land Map every five years.
- The NSW Rural Fire Service developed “*Guidelines for Bushfire Prone Land Mapping*” (NSW Rural Fire Service, June 2006)
- Provides a framework that enables Councils to accurately and consistently map bushfire hazards throughout their LGA



Methodology

Step 1 – Consult the NSW Rural Fire Service

- Clarify “*Guidelines for Bushfire Prone Land Mapping*”
- Seek the opinion of RFS regarding vegetation classification throughout the Ku-ring-gai LGA.

Step 2 – Desktop Analysis

- Identify potential bushfire hazards from air photo

Step 3 – Field Investigations

- Field investigations concentrated on the urban interface



Methodology (Cont.)

Step 4 – Field inspection with the RFS

- Onsite meeting were held Colin Manton (District Safety Officer) as a quality control measure and to ensure consistency with the guidelines and other Bushfire Prone Land Maps.

Step 5 – Draft Map exhibition

- A draft copy of the map is submitted to Council for preliminary approval. After approval is granted by Council a period of public exhibition no less than 40 days is performed.
- Public submissions will be addressed

Step 6 – Final approval of map

- Final draft of the Bushfire Prone Land Map and report will be produced and submitted to Council for final approval

Step 7 – Submission of the Revised Ku-ring-gai Bushfire Prone Land Map to the RFS

- A final copy of the map and report will be formally submitted to the NSW Rural Fire Service for certification.



Mapping Guidelines

- As per *Guidelines for Bushfire Prone Land Mapping (NSW Rural Fire Service, June 2006)*
- Vegetation classification based on vegetation structure
 - Canopy cover, vegetation height, presence or absence of a particular vegetation strata etc.



Vegetation types

- Forest



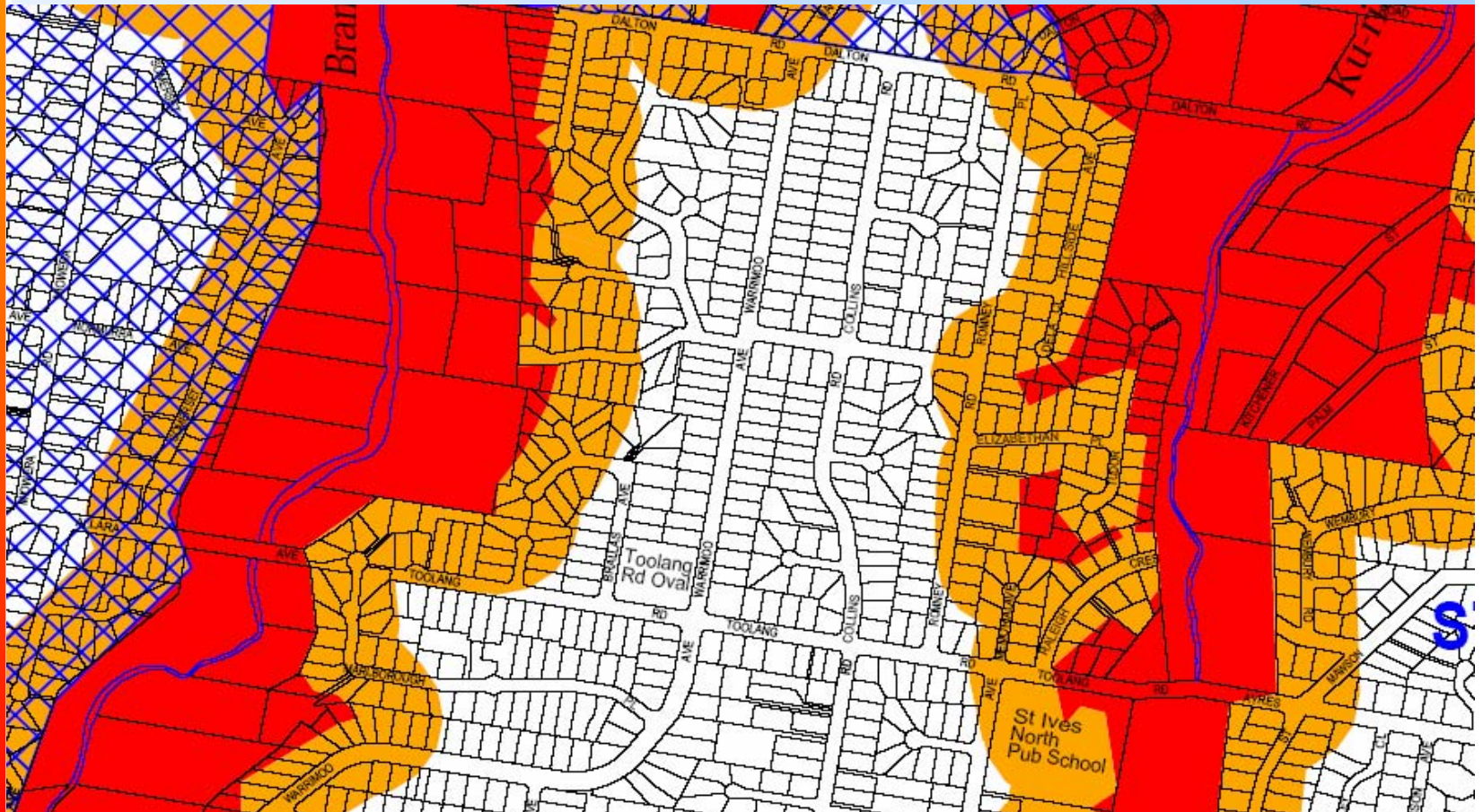
- Heath





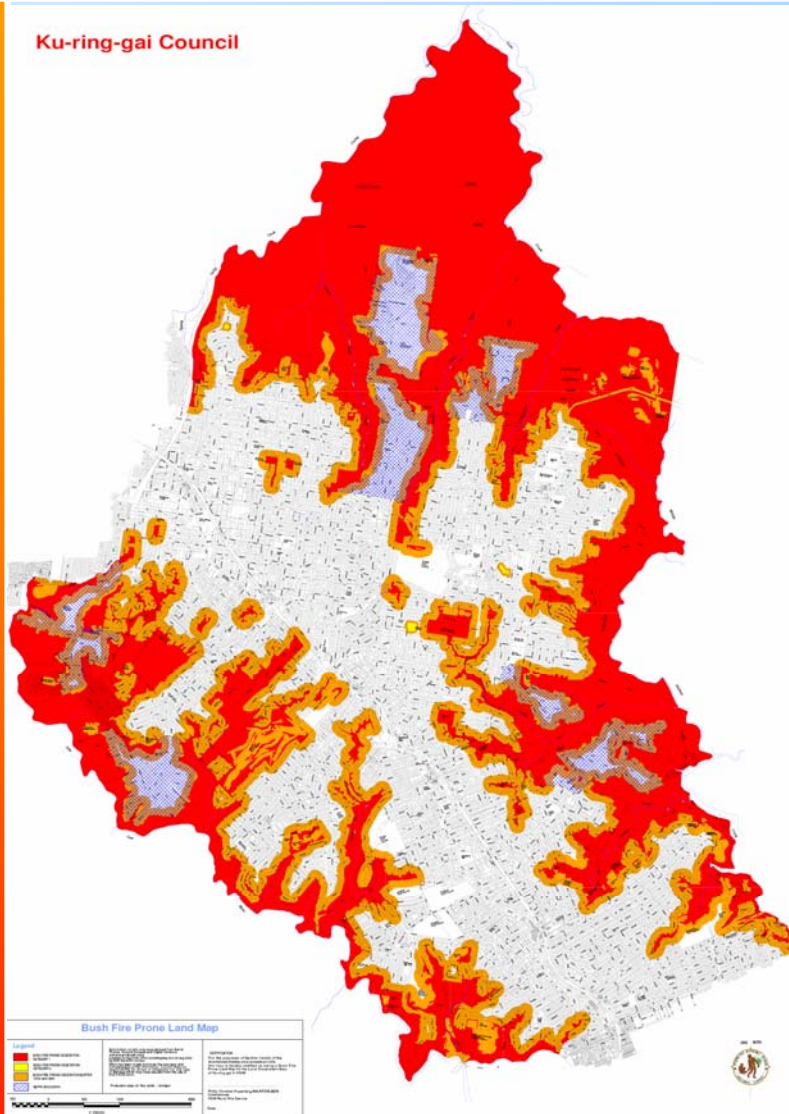
The Categories

- Category 1 (Orange on new map)
 - Forests, woodlands, heaths and wetlands greater than 1 hectare
- Category 2 (Yellow on new map)
 - Forests, woodlands, heaths and wetlands less than 1 hectare, or rainforests or grasslands
- Buffer zone (Red on new map)
 - 100m on Category 1 and 30m on Category 2
- SEPP – Seniors Living and SEPP 53 Exclusions Zones (blue hatching)





Draft Map



06/12/2006

Bushfire Prone Land
Map 2006



Typical Changes



Minor boundary adjustments



Typical Changes



Change of land use

06/12/2006

Bushfire Prone Land
Map 2006

13



Typical Changes



Omissions from original map

06/12/2006

Bushfire Prone Land
Map 2006

14



Typical Changes



Inclusion of tree canopy



Preliminary Results

	Category 1 Vegetation (ha)	Category 2 Vegetation (ha)	Total No. of Bushfire Prone Properties
Current map (2001)	3406.59	4.41	14,498
Proposed amended map (2006)	3218.74	2.58	14,529
Proposed Changes	-187.85	-1.83	31



Implication of the map to land owners

- No impact on existing dwellings
- Bushfire prone land notation added to s149 certificate
- Bushfire prone properties need to consider bushfire during DA process as per *Planning for Bushfire Protection* (2001)
- Considerations include construction standards (AS3959), provision of asset protection zones and access and egress.



SEPP 5 & SEPP 53 Exclusion Areas

- “Blue hatched areas”
- Seniors living and dual occupancy prohibited in these areas
- “State Environmental Planning Policy No5---Housing for Older People or People with a Disability (Amendment No 5) Bush Fire Evacuation Risk Map” deposited at the Department of Planning.
- Recent correspondence with Dept. of Planning and RFS indicate new exclusion zones will not be supported
- Council will recommend that these areas are maintained on the new map



Conclusions

- Council has produced an accurate and contemporary bushfire prone land map, based on extensive field investigations
- decrease ha/ lots remain the same



Questions?

***North Wahroonga to
North Turramurra
Fire Trail Project –
Ku-ring-gai Council Initiative***

06/12/2006

North Wahroonga to
North Turramurra Fire
Trail

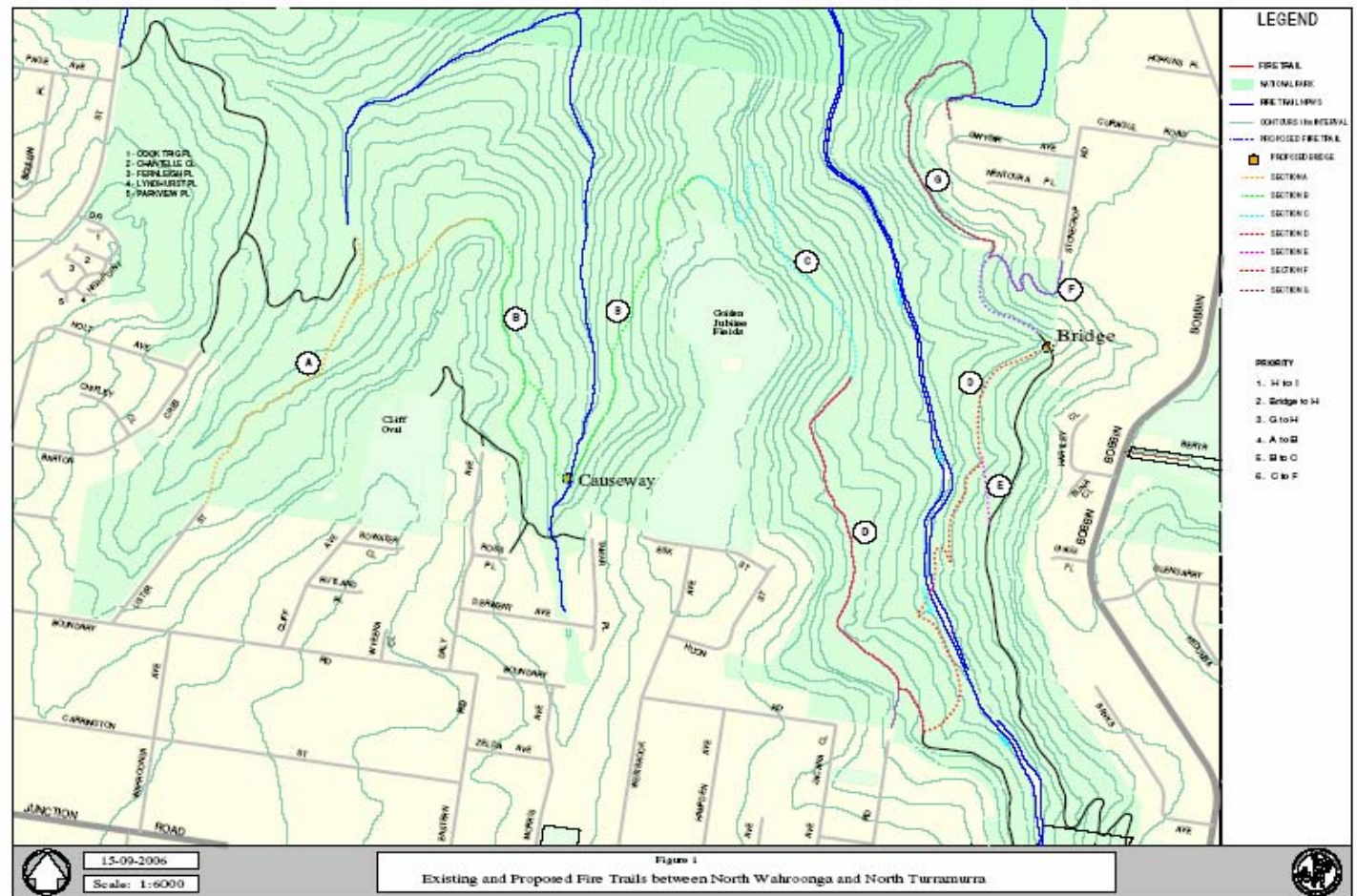
Project Goal

- To construct a strategic fire trail network for a large area of natural bush land, located between residential zones of North Wahroonga and North Turramurra, with minimal environmental disturbance.

Introduction

- Fire trails, walking tracks and services trails allow for entry into and within bushland.
- These tracks and trails are widely recognised as an effective means to manage bushfire within a pre-determined boundary.
- They also provide access for the purposes of suppression, mitigation, monitoring, patrolling fires and general day to day management of the natural environment.
- Fire trails tend to follow natural landforms, with construction usually consisting of minimum earthworks with extensive drainage
- They require regular maintenance to keep drains and sediment ponds clear of sediment and other water bourn detritus and to repair scouring caused by erosion.
- Compartmentalise the large area of bush land which will allow for a more effective and ecologically sustainable hazard reduction program.
- Provide the community with passive recreation opportunities such as bush walking and bird watching.

Fire Trail Network Map



06/12/2006

North Wahroonga to
North Turramurra Fire
Trail

Fire Trail Works

- Specialist contractors engaged to carry out the works.

Works involved:

- Upgrade of existing fire trails and disused Sydney Water access trails.
- Construction of new trails that link existing ones.
- Construction of two bridge crossings.
- In total approximately 5.6 Kilometres

Western Aspect of Golden Jubilee Oval – Section B









Cliff Oval – Daly Avenue to Lister Street – Section A







Clissold Road to Samuel King Oval – Section







Section Distances & Progress

Section of Fire Trail	Distance	% Complete
Section A – Golden Jubilee	600 metres	70%
Section B – Cliff Oval	1380 metres	70%
Section D – Clissold Road	1000 metres	60%

DRAFT BUSHLAND ENCROACHMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To place the draft Bushland Encroachment Policy on public exhibition.

BACKGROUND:

Approximately 2,450 properties adjoin Council's bushland reserves to create 92km of interface. Across many locations unauthorised extensions from private properties are impacting to various degrees on the natural environment. Each situation can be considered as an illegal encroachment unless a lease, licence or estate has been granted for use of community land.

COMMENTS:

In recognition of the complexity involved with enforcing legislative requirements and the cumulative social / environmental impact of encroachments at the urban / bushland interface, a draft Bushland Encroachment Policy has been developed. The draft Policy promotes voluntary removal of encroachments.

RECOMMENDATION:

That Council endorses the public exhibition of the draft Bushland Encroachment Policy for a period of 40 days to allow public comment with a further report to be presented to Council.

PURPOSE OF REPORT

To place the draft Bushland Encroachment Policy on public exhibition.

BACKGROUND

The Ku-ring-gai LGA comprises of approximately 1,100 hectares of Council managed bushland reserves. Approximately 2,450 properties adjoin Council's bushland reserves to create 92 kilometres of interface. The high perimeter to area ratio of bushland to urban development in the Ku-ring-gai LGA is conducive to the unauthorised extension of private property boundaries and/or structures onto Council-managed bushland.

Encroachments at the urban-bushland interface typically consist of small-scale, formal works, including landscaped gardens, storage sheds, shade/entertainment structures, turfed lawn and paving. Unauthorised encroachments on Council-managed bushland reserves have the ability to:

- compromise the integrity of natural and cultural values,
- alienate land from public use/access,
- impede fire management activities,
- detract from aesthetic appearances,
- divert and encumber council resources and assets,
- jeopardise public safety,
- cause social inequity, and
- incite instances of legal liability.

All bushland in the Ku-ring-gai Local Government Area (LGA) is classified as 'community land' and categorised as a 'natural area' under the *Local Government Act 1993*. The *Local Government Act 1993* (the Act) and Council's Bushland Plan of Management (adopted May 2006) place extensive restrictions on the management and use of community land. Some bushland owned by the Crown is managed by either a reserved trust or under care control and management of Council.

Under section 47D of the Act, the exclusive occupation or exclusive use of community land otherwise than in accordance with a lease, licence or estate is prohibited. Section 47B of the Act places restrictions on the purposes for which a lease, licence or other estate can be granted, in respect of community land categorised as a natural area. Encroachments emanating from private, residential or commercial premises onto 'community land' including that categorised as a natural area without lease or license are therefore prohibited. Although individual encroachments may appear minor in impact, cumulatively encroachments are responsible for detaining and degrading hectares of the Council/community reserve system.

Section 124 of the Act provides councils with regulatory mechanisms to assist in the protection or repair of public places, including the removal of encroachments through the provision of orders.

Item 12

S04801
4 December 2006

Supporting these legislative provisions, Council has also adopted a number of strategies and policies that have identified the need to regulate the use of community land for public benefit, including the Bushland Plan of Management (May 2006), Biodiversity Strategy (May 2006) and Policy for Temporary Access over Community Land (December 2003).

Given legislative requirements and the need to protect the values of and assets upon community land, a draft Policy has been prepared to provide Council with a policy framework with which to management encroachments on community land categorised as a natural area under the *Local Government Act 1993*.

COMMENTS

The purpose of draft Bushland Encroachment Policy is to provide a strategic, cost-effective and consistent enforcement framework to address the occurrence of encroachments on Council-managed bushland reserves throughout the Ku-ring-gai LGA.

The aims of the draft policy can be summarised as follows:

1. To provide a functional and transparent framework to direct Council's response in its management of encroachments on Council bushland.
2. To reduce the impact of encroachments on the ecological integrity of bushland within the Ku-ring-gai LGA.
3. To raise community appreciation and respect for community land.
4. Ensure Council satisfies its legal obligations under the *Local Government Act 1993*.

The management of encroachments is both typified and compounded by the varying nature and scale to which encroachments exist on community land, ranging from the placement of small, relocatable items to large-scale structural or spatial extensions. The prioritisation of encroachments is considered necessary due to limited staff and budgetary resources, in addition to the variety of socio-environmental impacts associated with specific situations.

For this reason, implementation of the draft Bushland Encroachment Policy is reliant upon the classification of Council-managed bushland using an independent 'environmental pressure - community value' rating framework. This classification system will be used to evaluate the potential social and environmental impact of individual encroachments and to prioritise an operational response to ensure the cost-effective use of resources.

The table below details the operational response for various encroachment classes.

Encroachment Class	Bushland Priority	Operational Response
A	High Priority	Emphasis on negotiating voluntary compliance, underpinned by regulatory mechanisms. Rehabilitation of land required.
B	Medium Priority	Emphasis on negotiating voluntary compliance. Rehabilitation of land desired.
C	Low Priority	Emphasis on cooperative management through education. Rehabilitation of land desired.

Encroachment Classes and Associated Operational Response for the Management of Encroachments on Council-managed Community Bushland

While the draft Policy assumes a prohibition approach, the management of encroachments on Council managed bushland is achieved through a combination of case-dependant mechanisms, including proactive education, voluntary agreements and regulatory action for non-compliance under the *Local Government Act 1993*.

Consideration has been given to the legislative intent behind community land provisions, the principles of natural justice and procedural fairness, community values and Council's operational capacity in promoting the long-term ecological integrity of community land categorised as natural/bushland.

The draft Policy can be exercised for both proactive and reactive management responses.

CONSULTATION

Initial consultation regarding the draft policy has occurred with Council's Bushland, Catchments and Natural Area Reference Group and the NSW Local Government and Shires Association (LGSA).

The draft Policy has also been subject to an independent legal review.

During the consultation period, it is proposed that following consultation arrangements occur:

- Referral of draft policy to Department of Local Government for comment
- Convening of public meeting to consider resident views

Item 12

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4 December 2006

In addition the draft policy will be available on Councils website seeking comment. An advertisement in Councils corporate section of the North Shore Times will also be undertaken.

FINANCIAL CONSIDERATIONS

Costs associated with the preparation and implementation of the draft Policy have been funded by Council's Environmental Levy. This will include the direct costs of exhibiting the draft Policy, advertisements in local newspapers, printing of the draft Policy for distribution to key stakeholders, and other notification costs.

Once adopted, implementation of the Policy will be achieved through annual operational costs and funds generated through the Environmental Levy. Under the current draft policy structure, Council's direct costs in managing encroachments, including legal costs are restricted to encroachments classified as 'High Priority'. This will limit Council's expenditure to the management of encroachments with significant community and environmental impacts. Enforcement of the Policy will become the responsibility of Council's Community Environment Officers, as financed under the Environmental Levy.

It is proposed that any income generated in administering the policy by way of financial penalties and/or legal proceedings will be allocated to a restricted asset fund to be re-invested for the management of encroachments.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Input into the draft policy has been sought from Development and Regulation, Open Space, Finance and Business and Technical Services.

Consultation has also been sought in relation to integrating the documentation of known encroachments on Council-issued Building certificates (section 149A certificates). This may assist the removal of encroachments prior to transaction on the private property market. Further reporting to Council will consider this issue further.

SUMMARY

The *Local Government Act 1993* provides extensive restrictions on the management and use of community land. Section 47D of the Act prohibits the exclusive occupation or exclusive use of community land otherwise than in accordance with a lease, license or estate. Section 47B of the Act places restrictions on the purposes for which structures can be legally erected on community land categorised as a natural area.

Item 12

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4 December 2006

The draft Policy has been prepared to provide Council with a strategic, cost-effective and consistent regulatory framework to address breaches of the Local Government Act caused by encroachment onto Council-managed bushland reserves.

Under the draft Policy, the management of encroachments on Council managed bushland will be achieved through a combination of case-dependant mechanisms, including proactive education, voluntary agreements and regulatory action for non-compliance under the *Local Government Act 1993*. The draft Policy is considered ready to be placed on exhibition for community comment.

RECOMMENDATION

- A. That the draft Bushland Encroachment Policy be exhibited for a minimum period of 40 days during which public comment will be sought.
- B. A copy of the draft Policy be referred to the Department of Lands and Department of Local Government for comment.
- C. That a final report be prepared to Council following public consultation.

Graeme Williams
**Community Environment
Officer**

Peter Davies
**Manager Sustainability &
Environments**

Steven Head
**Director Open Space &
Planning**

Attachments:

- 1. Draft Bushland Encroachment Policy - 655123 - circulated separately**
- 2. Property Inspection Report - 703242 - circulated separately**
- 3. Voluntary Compliance Agreement - 655124 - circulated separately**
- 4. Initial Resident Contact Letter - 703241 - circulated separately**

Ku-ring-gai Council

[Insert Council logo]

Bushland Encroachment Policy

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Bushland Encroachment Policy

1. Citation

This Policy may be cited as Ku-ring-gai Council's Bushland Encroachment Policy.

2. Land to which the policy applies

This Policy applies only to land classified as 'community land' and categorised as 'a natural area' under the *Local Government Act 1993*. This encompasses land managed under a reserve trust or where Council has care, control and management of land under the *Crown Lands Act 1989*.

3. Policy intent

The purpose of this Policy is to provide a strategic, cost-effective and consistent enforcement framework to address encroachments on Council-managed bushland reserves throughout the Ku-ring-gai Local Government Area (LGA).

Consideration has been given to the legislative intent behind community land provisions, the principles of natural justice and procedural fairness, community values and Council's operational capacity in promoting the long-term ecological integrity of community land categorised as a natural area.

This policy recognises Council's limited capacity to manage all occurrences of encroachments on Council-managed assets through a bushland prioritisation framework and can therefore be exercised for both reactive and proactive management responses.

4. Context

4.1 Policy

Encroachments can be regarded as illegal extensions of private property boundaries and/or structures onto public land. At the urban - bushland interface, the arrogation of Council land is often exacerbated by ill-defined reserve boundaries and the increasing pressures of urbanisation. Although at an individual level, encroachments may appear minor in impact, cumulatively encroachments are responsible for detaining and degrading hectares of the Council/community reserve system. Historically, management of encroachments has been complicated by the absence or inconsistency of Council practices, policies and the progressive imbuement of environmental considerations in local government legislation.

Unauthorised encroachments in Council reserves have the ability to

- compromise the integrity of natural and cultural values,
- alienate land from public use/access,
- impede fire management,
- detract from aesthetic appearances,
- divert and encumber council resources and assets,
- jeopardise public safety,
- cause social inequity, and
- incite issues of legal liability.

Preceding Council documents support the need for a formalised management response to the issue of encroachments on Council managed community land. Encroachments were specifically identified as a management issue in Ku-ring-gai Council's Bushland Plan of Management (adopted May, 2006). In addition, the Ku-ring-gai Council Biodiversity Strategy (adopted May, 2006) recognised encroachments and illegal clearing as a threatening process, while the Ku-ring-gai Community Environmental Research Project Report, 2005 acknowledged urban development and habitat/biodiversity as the two main environmental issues for the Ku-ring-gai Community. This Report further justified these issues as dominant areas for Council activity in the immediate future.

4.2 Environmental

The Ku-ring-gai LGA contains approximately 1,100 hectares of Council-managed bushland reserves (Figure 1). The majority of natural vegetation is contained within 12 reserves that exist within 13 sub-catchments. Local vegetation consists of three Endangered Ecological Communities (EECs); Blue Gum High Forest, Sydney Turpentine-Ironbark Forest and Duffys Forest, which are listed under the NSW *Threatened Species Conservation Act 1995* and/or the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. Other vegetation communities present in the Ku-ring-gai reserve network can be described as Sydney sandstone-derived communities (Refer to Ku-ring-gai Councils' Bushland Reserves Plan of Management, 2006).

The majority of Ku-ring-gai's bushland reserves are distributed along steep gullies away from ridge-top developments. Reasonable connectivity is displayed in these elongated, linear valley reserves, which in many cases, remain contiguous with the National Parks that form the East, West and Northern boundaries of the LGA. Reserves located at higher elevations have typically geometric margins and consist of EECs that correspond with local soil profiles. These ridge-top reserves are characteristically isolated from adjoining vegetation and subsequently embedded within the urban matrix. All reserves exhibit a high perimeter: core ratio with intensive urban landuse and consequently, experience degrading, anthropogenic-induced disturbances. Despite these urban pressures, remnant vegetation within Ku-ring-gai's reserve system currently supports a rich diversity of flora and fauna species.

4.3 Social

The dominant landuse in Ku-ring-gai consists of low-density residential housing (95 percent of the LGA), with approximately 2,450 properties adjoining Council bushland. This creates 92 kilometres of interface between residential properties and bushland reserves. The high perimeter/area ratio of bushland to urban development in Ku-ring-gai generates issues for bushland management, including the encroachment of residential properties onto Council bushland reserves.

Some encroachments occur in a slow, progressive fashion and usually from the well-intentioned activities of residents at the bushland interface. Seemingly harmless activities such as lawn mowing, fire break maintenance and informal gardening can stimulate notions of ownership, pride and a process of successive appropriation passed with land title from one proprietor to another. Further activities such as placement of structures, gradual removal of native vegetation and extension of fencing create the deceptive appearance of private property on Council land.

According to 2001 statistics, the Ku-ring-gai LGA had significantly higher shares of home owners (nearly 60%), compared with average figures in the Sydney Statistical Division (39%). While the proportion of purchasers was higher, the overall percentage of renters was substantially lower in Ku-ring-gai (approximately 11%) when compared to the Sydney Statistical Division (29%).

Collectively, this household tenure data has implications in relation to encroachments. The concentration of home owners in the Ku-ring-gai LGA reflects a more settled area with mature families and a less transitory population base. Long-term home-ownership in detached dwellings (as opposed to short-term renters in high-density housing) facilitates sentiments of ownership and domestic pride, which can extend beyond legal property boundaries. The exclusivity of the Ku-ring-gai area and its attractiveness to affluent households also increases the value of land within the regional housing market and hence, pressures to appropriate further areas at the bushland interface (particularly those that may be degraded) (Ku-ring-gai Community Profile, 2006).

4.4 Economic

The economic impacts of encroachments on council lands are compound, yet ill-defined. In terms of local government, encroachments impinge on the economic efficiency of council bush regeneration and weed control programs. Encroachments are a typical encumbrance to the construction or maintenance of council fire breaks and the implementation of hazard reduction burns. Consequently, the management of encroachments, including investigation, documentation and removal consumes council resources and limited operational budgets.

For private land owners, most prominently those who inherit encroachments from previous land owners, the cost of maintaining and subsequently removing encroachments in accordance with the state laws represents a substantial economic inconvenience. The rehabilitation and re-integration of land formerly subject to an encroachment also entails considerable long-term investment to prevent rapid weed invasion and site degradation.

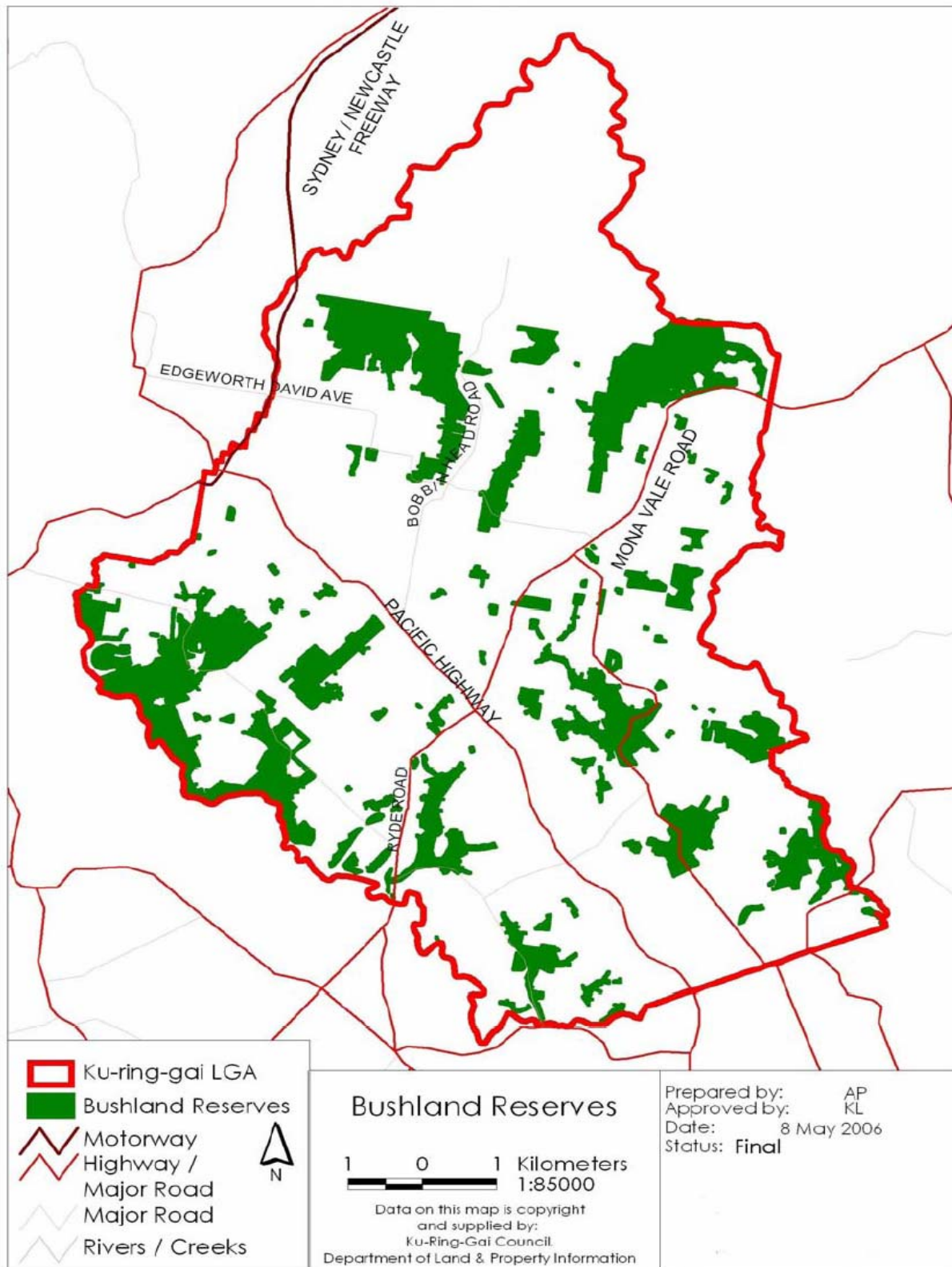


Figure 1. Map of Ku-ring-gai Council's Bushland Reserves

5. Aims

1. To provide a functional and transparent framework to direct Council's response in the management of encroachments on Council bushland.
2. To reduce the impact of encroachments on the ecological integrity of bushland within the Ku-ring-gai LGA.
3. To raise community appreciation and respect for community land.
4. Ensure Council satisfies its legal obligations under the *Local Government Act 1993*.

6. Objectives

Governance

1. Provide Council with a strategic, consistent and comprehensive approach to managing encroachments on community bushland.
2. Extend and seek further partnerships with other statutory authorities and non-government organisations to help maintain or enhance the condition of the urban bushland interface.
3. Establish and maintain a database to document and monitor encroachments at the urban bushland interface.
4. Review and rationalise Council's existing documents and standards.
5. Ensure currency and consistency with Council, other government policies, standards and legislative requirements.

Economic

6. Provide Council with a cost-effective approach to managing encroachments on community bushland.

Environmental

7. Improve connectivity between the bushland interface and core (principal) reserve component.
8. Classify encroachments based on ecological sensitivity criteria and linear extent to facilitate strategic management.
9. Remediate and enhance the integrity of Council reserves at key sites along bushland interface.

Social

10. Increase level of regulatory and educational engagement initiatives undertaken by Council at the bushland interface.
11. Minimise and mitigate disturbance caused by human intrusion through promoting responsible community interaction with natural areas.

7. Legislative frameworks

The *Local Government Act 1993* (LG Act) is the primary piece of legislation relevant to encroachments on Council managed community lands. In relation to community land, the aim of the LG Act is:

- To assist councils in the categorisation of community land and the management of that land.
- To promote the best management of environmentally sensitive land.
- To curb the inappropriate alienation of community land for essentially private purposes.
- To reinforce the public's right to participate in public land management.

Chapter 6, Part 2 of the LG Act generally establishes Council's responsibility in managing community land for public purposes. Section 47D (1) of the LG Act prohibits the exclusive occupation or exclusive use by any person of community land otherwise in accordance with a lease, licence or estate. This section must be read in conjunction with Section 47B of the Act which precludes the granting of lease or licence for private residential purposes on land categorised as a natural area. Section 124, orders 27 – 29 of the LG Act provides councils with regulatory mechanisms to assist the protection or repair of public places.

Section 36E of the LG Act sets out the core objectives for the management of community land categorised as a natural area.

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the [*Threatened Species Conservation Act 1995*](#) or the [*Fisheries Management Act 1994*](#) .

Council also manages land on behalf of state authorities. In instances where encroachments occur on land under the care, control and management of Council or on land managed under a reserve trust, provisions of the LG Act apply. Section 98 of the *Crown Lands Act 1989* devolves Council with the ability to use provisions of the LG Act in relation to land where Council is the manager of a reserve trust.

Under Section 45D (3) of the *Real Property Act 1900* a possessory application may not be made in respect of an estate or interest in any land, or in any part of any land of which the Crown or council within the meaning of the *Local Government Act 1993* is the registered proprietor.

8. Relevant policies, guidelines and plans of management

This policy must be read in conjunction with relevant Plans of Management and other adopted Council policies and guidelines.

Examples are included, but not limited to

1. Bushland Reserves Plan of Management (2006)
2. Biodiversity Strategy (2006)
3. Temporary Access Over Community Land Policy (2003)
4. Tree Management Policy (1999)
5. Bushcare Volunteer Policy (1997)
6. Council's Management Plan
7. Fire Break Maintenance Standards (1997)
8. Development Control Plan No. 46 Exempt and Complying Development (2004)
9. State Environmental Planning Policy 19 Urban Bushland
10. Hornsby – Ku-ring-gai Bush Fire Risk Management Plan (1997)

9. Process and management

The following principles establish Council's decision-making process and collectively provide Council with a strategic, consistent and cost-effective approach to managing encroachments on community bushland.

9.1 Priority rating matrix

To ensure the most cost-effective use of resources, the following rating matrix has been devised to evaluate the socio-environmental impact of individual encroachments on Council managed land. The rating matrix partitions encroachments in A, B, and C classes based on ecological sensitivity criteria and linear extent (Figure 2). Specific objectives for each class of encroachment have been provided to guide management prioritisation and outcomes (Figure 3).

SPATIAL EXTENT	LARGE (>15m)	B	A	A
	MODERATE (5 – 15m)	C	B	A
	SMALL (<5m)	C	C	B
		LOW	MEDIUM	HIGH
		BUSHLAND SENSITIVITY		

Figure 2. Priority Rating Matrix with Class Outputs

Class	Priority	Definition	Operational Response	Objective
A	High Priority	Encroachment impacts bushland of significant ecological/social value, and/or impacts public safety, public access or operational outcomes.	Stages 1 – 3 of Property Inspection Report. Emphasis on voluntary compliance underpinned by regulation and education.	Complete removal and rehabilitation.
B	Medium Priority	Encroachment impacts bushland of moderate ecological and/or social value.	Stages 1 & 2 of Property Inspection Report. Emphasis on education and negotiating voluntary compliance.	Voluntary removal and rehabilitation.
C	Low Priority	Encroachment impacts bushland of limited ecological and/or social value.	Stage 1 of Property Inspection Report. Written notification and education materials sent and voluntary compliance only upon resident initiation.	Documentation and promotion of voluntary removal.

Figure 3. Class Objectives and Associated Operational Response

9.2 Identification of encroachments

In each instance that a alleged encroachment is reported or detected,

Council will;

9.2.1 Class the nature and manage each encroachment in accordance with the priority rating matrix and associated class objectives.

9.2.2 Follow the desktop analysis procedure prescribed in Stage 1 of the Property Inspection Report (Appendix 2).

9.2.3 Investigate all reports of alleged encroachments in a consistent and impartial manner.

9.2.4 Refer any encroachments pertaining to land owned/managed by external (State) land management agencies or private property owners for management action.

9.2.5 Review relevant property files to determine the incidence of past encroachments or to obtain other information.

9.2.6 Avoid direct contact with owners or occupiers of land to which an alleged encroachment applies until such time as Council has identified the encroachment in accordance with Stage 2 of the Property Inspection Report) so as to minimise potential conflict.

9.3 Resident engagement

When an alleged encroachment has been identified or is unverified from Stage 1 of the Property Inspection Report,

Council will;

9.3.1 Follow the procedure prescribed in Stage 2 of the Property Inspection Report.

9.3.2 Ensure all owners or occupiers of land receive a standard contact letter requesting a site meeting to discuss the alleged encroachment and a registered survey of the property, in addition to educational material as the first point of contact (Appendix 3).

9.3.3 If practicable, conduct property inspection from within Reserve boundary when owner/occupiers of land from which an encroachment emanates refuses to permit entry to premises for site inspection.

9.3.4 Exercise any necessary power of entry or inspectorial function in accordance with provisions of the *Local Government Act 1993*.

9.3.5 Provide each owner/occupier of land from which an alleged encroachment emanates an approximate measurement and ground marking of any necessary property dimensions using the relevant Deposited Plan (DP) under section 192 of the *Local Government Act 1993* for the purposes of ascertaining the existence of an alleged encroachment. Measurements will be taken on the horizontal plane.

9.3.6 Regard all encroachments considered to be impacting public safety or impeding operational outcomes as Class A in the Priority Rating Matrix.

9.3.7 Classify the result of owner/occupier meeting into one of following outcomes.

A. Owner/occupier concedes to alleged encroachment and agrees to voluntarily comply with directives by removing structures and desisting inappropriate behaviours; as formalised in Voluntary Compliance Agreement (Appendix 4). Refer to Section 9.4 *Voluntary compliance*.

B.O/occupier concedes to alleged encroachment but refuses to comply for reasons of undue hardship, legality issues, general apathy, non-accountability or other rationale. Refer to Section 9.5 *Enforced compliance*.

C. Owner/occupier denies validity of alleged encroachment or refuses to permit entry. Refer to Section 9.5 *Enforced compliance*

D. From on-site investigations, alleged encroachment appears improbable or immaterial. Refer to Section 10 *Communication and prevention*.

E. The alleged encroachment is considered 'abandoned' with no evidence of exclusive use or occupation able to be established. Refer to Section 9.6 *Removal and rehabilitation*.

9.4 Voluntary compliance

In instances where owner/occupiers of land from which an encroachment emanates agrees to voluntarily comply with removal directives;

Council will:

9.4.1 Follow the procedure prescribed in Stage 3 of the Property inspection Report.

9.4.2 Formalise arrangements in a Voluntary Compliance Agreement (Appendix 4) to ensure equity and consistency in voluntary compliance.

9.4.3 Guide and support residents in the removal of structures from community land.

9.4.4 Not assume any responsibility for damages or mishaps to persons or property whilst engaged in the removal of private structures from community land.

9.4.5 Accept as true and correct any current survey conducted by a registered surveyor that confirms or refutes Council's assumptions regarding an encroachment.

9.4.6 Provide each resident with an approximate indication of the boundary between private and community land, unless otherwise signified by a registered survey/or.

9.4.7 Permit each owner/occupier of land to which an encroachment emanates a single time extension of two weeks for compliance with the terms of a Voluntary Compliance Agreement upon written request or otherwise through discretion of the enforcing officer.

9.4.8 Subsequent to written request, consider reasonable variations or extensions to the specific terms prescribed in a Voluntary Compliance Agreement issued by Council.

9.4.9 Upon change of circumstances, generally review the fairness of the terms prescribed in the Voluntary Compliance Agreement upon written request by owner/occupier of land from which an encroachment emanates. The period for voluntary compliance stays until otherwise varied by Council.

9.4.10 Exercise any right under the Voluntary Compliance Agreement should the terms and/or conditions stated in the Agreement not be satisfied within the time specified, without reasonable excuse, including, but not limited to;

- Removal of encroachment
- Recovery of a debt
- Service of an order under the *Local Government Act 1993*

9.5 Enforced compliance

In instances where owner/occupiers of land from which an encroachment emanates deny the validity of the encroachment or generally refuse to comply with removal directives;

Council will;

9.5.1 Follow the procedure prescribed in Stage 3 of the Property Inspection Report.

9.5.2 Demonstrate procedural fairness when exercising regulatory functions.

9.5.3 Retain the right to issue an order/s in accordance with provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*. Copies of all correspondence will be stored against relevant property files.

9.5.4 Where none can be obtained, commission or re-authenticate a property boundary survey from a registered surveyor prior to the service of an order or at any other occasion deemed necessary. Financial approval must be sought from the Manager Sustainability and Natural Environments.

9.5.5 Ensure all orders contain promote the option to enter a Voluntary Compliance Agreement with a period for compliance not being less than the period specified in the order.

9.5.6 Retain final determination as to the standards or extent that an order must be satisfied taking into consideration any representations made against the terms of an order or against the order generally during the period allocated for representations to be made.

9.5.7 Hear any representations received against a proposed order by Council's nominated environment manager and a provide a single consultative session to all residents wishing to debate the terms of an order.

9.5.8 Retain the right to undertake whatever measures are necessary to give effect to the terms of an order, including the carrying out of any work required by the order and recovering costs.

9.5.9 Serve all orders in respect of land owned or occupied by more than one person to both persons if aware of their existence or requested to do so.

9.5.10 Revoke or modify any orders when proven inconsistent with a registered survey or other irrefutable proof.

9.5.11 Ensure all orders are appropriately re-inspected within 7 days following the date for compliance.

9.5.12 Retain the option to serve penalty infringement notices for non-compliance with Council orders.

9.5.13 Not undertake court proceedings for encroachments without prior review and approval from the Director of the Open Space Department and Council delegate authorised to approve for matters to be held in Court.

9.6 Removal and rehabilitation

If Council decides to undertake removal works by way of agreement of order;

Council will;

9.6.1 Review the option to instigate remediation works, by way of order, contract or operations on community land subject to a Class A encroachment with the aim of re-instating connectivity between the principal reserve system and urban interface.

9.6.2 Ensure all remediation works are consistent with the vegetation community found on that land.

9.6.3 Specify to owner/occupiers of land the terms for the removal of an encroachment and terms for the remediation of land formally subject to an encroachment by way of Voluntary Compliance Agreement (Appendix 4) or order, whichever deemed appropriate. Rehabilitation of land subject to an encroachment will be prioritised in instances where the person/s responsible for the instatement of the encroachment can be established.

9.6.4 Retain the right to require a restoration plan to be prepared by a qualified bush regeneration contractor to oversee the terms of remediation. The restoration plan must be approved by Council's Natural Areas Division prior to commencement of works to permit a site meeting with the relevant contractor. Council is to be notified upon completion of works to determine the satisfaction of remediation terms.

9.6.5 Retain the right to remove or otherwise dispose of objects (via contract or operations) left on Council land after the period specified in a Voluntary Compliance Agreement or order, whichever is applicable.

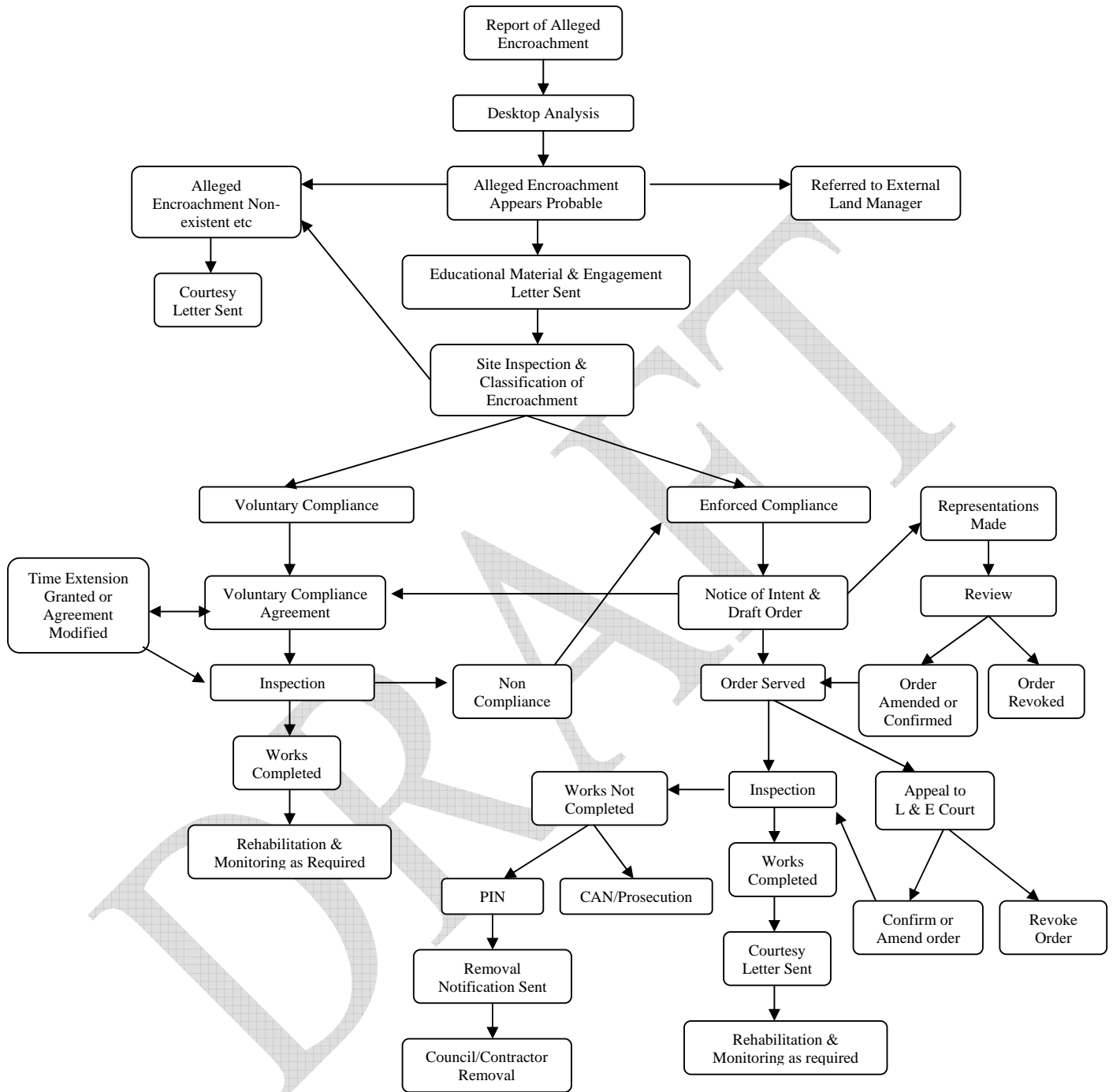
9.6.6 Provide written notification to residents to inform of any intention to remove or otherwise dispose of objects left on community land with a minimum of 14 days notice prior to commencement of removal and/or rehabilitation works.

9.6.7 Consider the economics and long-term sustainability of restoring land formerly subject to an encroachment.

9.6.8 Reserve the right to consider site specifics when determining remediation terms.

9.6.9 Review the option to remove any encroachments considered 'abandoned' on community land.

9.7 Operational summary



10. Communication and prevention

Communicating the negative impacts associated with encroachments provides an important mechanism to raise appreciation and respect for community land, provide offenders with contextual knowledge prior to Council engagement and to prevent the establishment of new encroachments. To ensure effective communication and prevention occurs,

Council will;

- 10.1 Disseminate through local media and/or Council's internal reporting systems an annual encroachment education campaign.
- 10.2 Publish in local media any successful prosecutions for encroachments on community land.
- 10.3 Regularly provide education material at local community events.
- 10.4 In the course of enquiries regarding specific properties, notify of known encroachments and inform respective owners or purchasers of Council's Bushland Encroachment Policy.
- 10.5 Where practical, formalise the boundary of Council constructed fire breaks with a hard edge to discourage future encroachments.
- 10.6 If resident engagement has occurred, send acknowledgment letters to all owner/occupiers of property investigated for the presence of encroachments, but where no encroachment was found.

11. Data and financial management

- 11.1 A database will be established to record information on encroachments being resolved through this policy.
- 11.2 An annual budget will be allocated to specifically support and facilitate the removal and rehabilitation of encroachments.
- 11.3 Any funds acquired through the administration of this policy will be retained in a separate account and expended for purpose of rehabilitating land/s formerly subject to an encroachment.

12. Dispute Resolution

- 12.1 The Director of the relevant Department will consider mediation between Council and property owner when necessary.

13. Policy review process

- 13.1 The Policy will be reviewed 12 months from date of adoption and thereafter every 3 years.
- 13.2 The Policy will be amended as and when required in response to legislative changes.

14. Definitions

Bushland - land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

Bushland Interface -the peripheral area of a bushland reserve that adjoins residential/commercial or other land uses.

Community Land –land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

Encroachment -unauthorised occupation or use of or unauthorised activities on community land by a person including but not limited to a building or structure or part of a building or structure on community land, gardens on or gardening of community land and mowing or clearing community land.

Enforced Compliance (Orders) -an official order issued by Council under Section 124 of the *Local Government Act 1993*, requiring or prohibiting the doing of things to or on premises.

Natural Area – as defined in the *Local Government Act 1993*.

Principal Reserve –the major, predominately interior portion of the bushland reserve, otherwise excluding the bushland interface.

Priority Rating Matrix -a system which facilitates the strategic evaluation of encroachments on community land. The rating matrix partitions encroachments into three classes based on ecological sensitivity criteria and linear impact.

Procedural Fairness/Natural Justice – Legal terms (often used interchangeably) to imply that a decision maker should not only act in good faith and without bias but also should grant a hearing to any person whose interests will be affected by the exercise of that decision before the decision is made.

The 3 principles of natural justice are:

- the right to be heard, or the right to have a fair hearing with the opportunity to present one's case
- the right to have a decision made by an unbiased decision-maker
- the right to have the decision based on evidence

(Newcastle University, Victoria University)

Rehabilitation Works -activities undertaken to redress the impact, ecological or otherwise of encroachments on community land.

Property Inspection Report –internal reporting document used to compile relevant information to substantiate the presence of an encroachment and collate evidence for legal purposes.

Alleged Encroachment -a possible yet unverified encroachment on community land.

Vegetation Community – floristic association of vegetation.

Voluntary Compliance –cooperation with and fulfilment of a Council request to remove structures and/or desist inappropriate behaviours in the absence of regulatory engagement.

Voluntary Compliance Agreement –a non-legalistic, formalised agreement which sets out the agreed upon terms of conditions for removing and/or rehabilitating encroachments.

DRAFT

[Insert C. logo]

Property Inspection Report

Ku-ring-gai Council

STAGE 1: Identification of Suspect Encroachments

Reserve:

Inspecting Officer:

Property Owner/Occupier	Associated Property/ies Address	Lot / DP/SP

add more rows if needed

	YES	NO
Suspect Encroachment Located on Council Land		
Presence of Encroachments at Neighbouring Premises		
Review Property File/s & Development Application/s		

	Natural Area/ Bushland	Registered Fire Break	External Land Manager (appropriately referred)
Land Status			

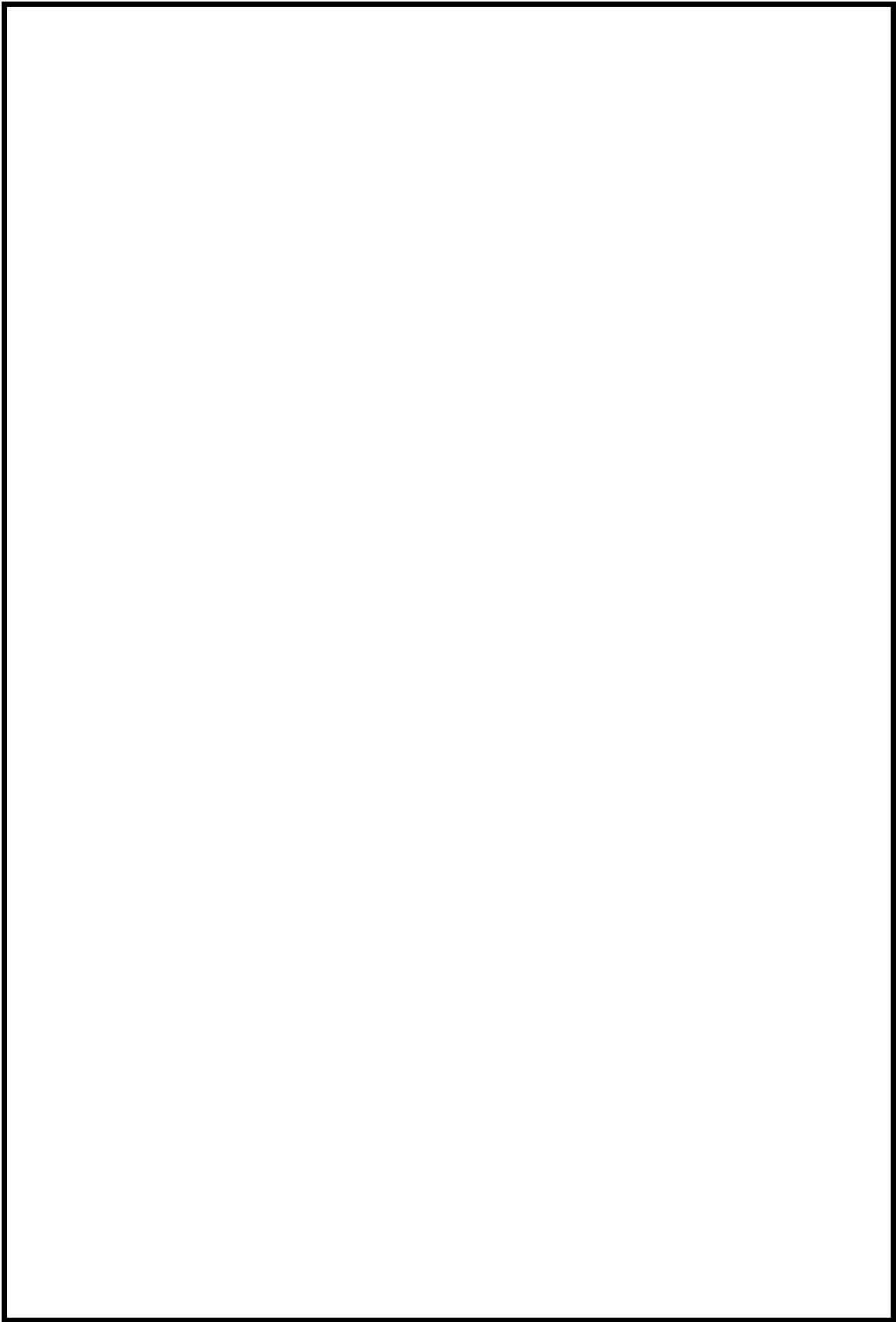
	A	B	C
Encroachment Class*			

**Based on Bushland Sensitivity and Extent of Encroachment.
Refer to Encroachment Policy for Class Objectives and Actions.*

☐

Written notification sent and report stored against property file.

Aerial Image:



DP Plan:

STAGE 2: Resident Engagement

Standard Notification Sent: Yes ☐

Date of Notification	
Date of Site Inspection	
Time of Inspection	

Property File/s:

Street Address	Property File:	Contact Details:

Physical Description of Encroachment	
Do Resident/s Appear to be <u>Using</u> Encroachment?	YES NO
Details:	
Admission of 'Use'	YES NO
Approximate Measurements Taken	
Approximate Length of Encroachment	
Resident Comments	

Outcome

- A. ☐ Resident concedes to suspect encroachment and agrees to voluntary compliance by removing structures and desisting inappropriate behaviours; as formalised in Voluntary Compliance Agreement No.
- B. ☐ Resident concedes to suspect encroachment but refuses to comply for reasons of undue hardship, legality issues, general apathy, non-accountability or other rationale.
- C. ☐ Resident denies validly of suspect encroachment or refuses to permit entry.
- D. ☐ From on-site investigations, suspect encroachment appears improbable or immaterial.
- E. ☐ Encroachment is considered 'abandoned'. No evidence of use or occupation.

Voluntary Compliance Agreement entered into: Yes ☐ No ☐

Photographic Evidence:

Date of Capture: 16.8.06

Image # 1 Description:

Image # 2 Description:

Image # 3 Description:

STAGE 3: Compliance Proceedings

Office Use Only

MEMORANDUM

To:

cc:

From:

Date:

Subject:

Officers Recommendation:

☐

Notice of Intent to Serve Order

☐

Post-removal Rehabilitation

☐

Council Remove Encroachment/s

Support Terms:

Officers Comments:

Managers Comments:

Officer Signature:

Manager Approval:

I certify that all information contained set forth therein this document is true and correct to the best of my knowledge.

Officer Name:

Title:

Signature:

Date:

Substantiated by:

Title:

Signature:

Date:

This Report is to be stored against the relevant property file/s on Council's Internal Reporting System.

Sample Voluntary Compliance Agreement

This Agreement is made the _____ day of _____ 2007.

BETWEEN:

_____(name) ("the Landowner") of _____
_____(address)

AND:

Ku-ring-gai Council ("Council") of 818 Pacific Highway Gordon NSW

RECITALS

- A. The Landowner is the registered proprietor of the land identified in Item 1 of the Schedule ("the Property").
- B. Council is the registered proprietor of the land identified in Item 2 of the Schedule ("the Reserve").
- C. The Reserve is classified as Community Land pursuant to the *Local Government Act 1993*.
- D. The Landowner and Council agree that an encroachment emanates from the Property onto the reserve as detailed in Item 3 of the Schedule.
- E. To achieve a removal of the encroachment and a rehabilitation of the Reserve, the parties have agreed as provided below.

TERMS

- 1. The Landowner agrees to carry out the Works detailed in Item 4 of the Schedule, and that such works will be completed on or before the respective dates indicated in Item 5 of the Schedule.
- 2. The Landowner agrees that should there be any failure by the Landowner to comply with clause 1 of this Agreement, Council will be entitled to perform the Works and recover its reasonable costs of so doing from the Landowner.
- 3. The Landowner agrees that in the event that Council performs the Works pursuant to clause 2 of this Agreement, Council may dispose of any material or items removed from the reserve in such manner as it thinks fit and the Landowner shall not be entitled to make any claim against Council whether by way of setoff or otherwise in respect of such material or items.
- 4. Council shall not be liable for any damages or injury suffered by any person in carrying out any work pursuant to this Agreement.
- 5. Council reserves the right take such legal action, including under the *Local Government Act 1993* as Council in its absolute discretion thinks fit.

6. The Landowner agrees to refrain from carrying out any other work in relation to the Reserve (including mowing, clearing or gardening) unless approved as part of Council's Bushcare Program.
7. This Agreement may not be varied unless such variation is agreed in writing by Ku-ring-gai Council.

Signed by the Landowner:

..... (signature)
..... (print name)
..... (date)

Signed by on behalf of Ku-ring-gai Council:

..... (signature)
..... (name and position of officer)
..... (date)

SCHEDULE

1. The Property:
(Lot/DP)
2. The Reserve:
3. The Encroachment:
4. The Works:
 - a.
 - b.
 - All physical structures, including but not limited to landscaped garden beds, sheds, paving, BBQs, clotheslines, trampolines, play ground equipment and pergolas will be removed from community land, as indicated by the approximate, marked property boundary line.
 - Rehabilitate land through weed spraying, mulching and planting of indigenous plant species.
5. Time for Completion:

(TRIM Property File)

Date

Property Address
Property Address

Lot No. DP. No.

“STANDARD NOTIFICATION LETTER”

Dear Owner/Occupier

PREMISES: XXXX

**SUBJECT: POSSIBLE ENCROACHMENT ONTO COMMUNITY LAND
- [insert name of Council reserve]**

Council records indicate that you are the owner of the above premises. Council has conducted an investigation and it appears that **[insert description of encroachment]**, which is associated with the use of your premises, is encroaching onto **[insert name of Council reserve or property]** which is community land (as defined under the Local Government Act 1993) owned by the Council.

Council has a specific policy for the removal of this type of encroachment from community land. The name of the policy is **[insert]** and was adopted by the Council on **[insert]** and can be accessed on the Council’s website **[insert]**.

One of the Council’s functions is to maintain community land for public purposes and the policy requires residents to keep their personal property and activities, including structures, landscaping works and gardening activities within their properties for environmental, legal and public liability reasons.

Ku-ring-gai Council is not in a position to dispose of community land and there is no provision for the Council to enter into a lease or licence agreement for private residential purposes in respect of this type of community land.

The preferred and first course of action is for you to enter into a voluntary agreement with Ku-ring-gai Council for the removal of the encroachment by you within an agreed period of time.

If agreement cannot be reached with you then Council would proceed with the alternative course of action of issuing a Notice of Intention / Order (under the Local Government Act 1993) for the removal of the encroachment by you from the community land.

At this stage the Council's Community Environment team would like to schedule a meeting with you to discuss and resolve this encroachment issue.

Could you please call Graeme Williams or Madeline Hourihan within seven (7) days from the date of this letter to arrange a suitable meeting time. It would be of assistance if you could locate any current survey of your property for the purposes of the forthcoming meeting.

Yours faithfully,

(Issuing Officer)
Community Environment Officer
P.H. 9424 0888

KU-RING-GAI'S SUSTAINABILITY PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To inform Council of the research, design, direction, objectives, content and implementation of the Sustainability Plan for Ku-ring-gai.

BACKGROUND:

Sustainability planning is a term used to describe a range of ethical and responsible management activities and reporting techniques. Benefits include improved transparency and accountability, allowing an organisation to fully align its long term vision and strategies, strengthening, monitoring and reporting protocols and systems. The following report outlines the process of formulating the Sustainability Plan for Ku-ring-gai over the next two years (2007/08).

COMMENTS:

The development of the Sustainability Plan for Ku-ring-gai will require extensive research and consultation. It is proposed that its framework will be based upon the Global Reporting Initiative (GRI) system and Council's legislative requirements. The Plan will be researched in phases: internal and external. Internal refers to the organisational sustainability of Ku-ring-gai Council's activities. External refers to all aspects of the community and environment of Ku-ring-gai. Following the development of each of these parts they will be merged to constitute the whole plan. Town centres, volunteers, sectors (business, sporting, education, environmental and community) will all play pivotal roles in the development and implementation of the Sustainability Plan.

RECOMMENDATION:

That Council adopts the timetable and program for the research and implementation of the Sustainability Plan and also adopts the Global Reporting Initiative as part of the framework for the Sustainability Plan.

PURPOSE OF REPORT

To inform Council of the research, design, direction, objectives, content and implementation of the Sustainability Plan for Ku-ring-gai.

BACKGROUND

The commonly used definition of sustainable development is: "...development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Brundtland 1987).

Sustainability planning is a term used for a range of ethical and responsible management activities and reporting techniques, many of which have been traditionally practised by public and private sectors. It provides a wide range of benefits to local government where transparency and accountability are paramount. It plays a critical role in facilitating education, information, communication and the exchange of knowledge within and across organisations and sectors. Sustainability plans allow an organisation to fully align its long-term vision and strategy with a means of monitoring progress and reporting against that vision. A global reporting sustainability system known as the Global Reporting Initiative (GRI) (**Attachment 1**) has been developed and applied by the United Nations and European Commission for public and private agency planning and reporting.

Adopting the GRI system for the Ku-ring-gai Sustainability Plan will:

- Reinforce organisational commitments and demonstrate progress;
- Allow Council to serve as a role model for the private sector;
- Improve Council's internal governance;
- Highlight the significance of Council's role as a consumer and employer;
- Enhance intra and inter departmental co-ordination through implementing sustainability strategies;
- Assist in integrating sustainability into operations, resulting in enhanced operational efficiency and cost savings;
- Permit comparison and exchange of information among other councils and public sector organisations;
- Provide a common reporting framework for the public and private sector to synergise communication between different parties.

In the local government context, the need to consider the principles of Ecologically Sustainable Development (ESD) has been a core purpose for councils, communities, councillors and council employees since the introduction of the Local Government Act 1993 (Section 7). Under the Act, councils are required to encourage and assist the effective participation of local communities in the affairs of local government. The Act also states that councils should provide goods, services and facilities, and carry out activities appropriate to the current and future needs of local communities and of the wider public, and to manage, improve and develop the resources of their areas.

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These goals reinforce the aspirations, directions and programs within the current Management Plan. The four pillars for sustainability planning, comprising economic, environmental, social elements and corporate governance - referred to as the Quadruple Bottom line (QBL) – also offer an inclusive approach to meeting these goals. An example of the transition to sustainability planning and reporting has been the evolution of the State of Environment Report. This was initially a stand-alone document, produced by local government, that in recent times has become one that is required by law to be linked to the Management Plan and reported to Council quarterly.

In recent years, a number of councils have developed strategic or 25-year plans to accompany and build on their existing management plans, to inform and direct past, current and future policies. Notable examples include the Blue Mountains, North Sydney, City of Melbourne and Randwick Councils. Leading councils have also reassessed their decision-making and reporting processes to ensure transparency, accessibility and accountability. Most importantly, this approach assists people to understand how and why decisions are made and reported.

Ku-ring-gai Council has a history of leadership in its commitment to sustainability. Some notable examples include:

- The instigation of the first Bushcare program in Australia in 1991, which has since grown to include over 1,300 volunteers working in environmental programs;
- The establishment of the Residents' Feedback Register in 2005/6;
- The operation of extensive community facilities and programs, such as the Branch Library Network, Arts Centre, Senior's Week, youth and infants' programs and services, and more general cultural programs;
- The development of a long-term 10 year financial model, first adopted in 2001 to direct future expenditure and identify income sources;
- The development of a range of water conservation and reuse programs, including harvesting stormwater and reusing sewerage for the irrigation of our playing fields and open spaces;
- The development of the Greenhouse Action Plan in 2000 under ICLEI's Cities for Climate Protection program;
- The operation of one of the State's most efficient waste and recycling programs;
- The formation of a range of strategic partnerships with research and educational organisations to progress leading policy initiatives, such as the Riparian Policy and the 2004 Community Environment Survey; and
- Appointment of an internal ombudsman.

Elements of sustainability planning are currently reflected through various objectives as articulated in the 2005 - 2006 Management Plan. Examples include:

- That Council is financially sustainable to enable the efficient delivery of services and the effective management of Council's assets, now and into the future;
- That Council applies its resources in the most effective and efficient manner to contribute to protecting and managing our natural environment;
- That stakeholders be actively engaged in planning processes;
- That Ku-ring-gai will be a vibrant place, while maintaining its unique character, natural environment and heritage; and

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- That community pride is developed, and identified through cultural planning, community celebrations, and cultural awareness programs.

As part of our directions for the coming and future years, the 2005 - 2006 Management Plan has identified that we will:

- Conduct a community visioning workshop;
- Further develop community consultation methods;
- Continue to assess the level and mix of services provided to the community;
- Ensure that environmental management and sustainability are fully integrated into the planning processes; and
- Link the findings of the State of Environment Report to the Management Plan.

While these initiatives provide examples of our current directions, further action is required across a range of areas if Council is to meet the growing sustainability challenges and keep pace with emerging knowledge and evolving community expectations. The advantages to Council and the community of developing one overarching planning and performance assessment instrument within a sustainability framework include:

- Stakeholder engagement – public reporting on sustainability including consultation on the development of a community vision regarding sustainability which will strengthen Council - stakeholder dialogue agreement around sustainability issues;
- Planning – community cohesion, environmental and social care will be facilitated, measured and better understood through planning within a QBL framework;
- Self-assessment – as a large employer, major consumer of resources and provider of services, reporting progress towards sustainability will lead to an increase in knowledge of the range and magnitude Council's environmental and social impacts;
- Performance management – measuring and reporting on organisational sustainability indicators places Council in a better position to manage performance against long-term business strategies, ultimately reducing costs to the Council and its community;
- Staff attraction and retention – through being seen as an exemplar that is 'living its values' of sustainability and corporate citizenship, Council will be more likely to attract and retain good staff;
- Risk and reputation – Council faces environmental and other risks which, if not managed, could damage its reputation and increase insurance/compensation costs;
- Leadership – as a regulator and service provider, the benefits to Council of showing leadership in sustainability include attracting business investment and staff, and demonstrating tangible QBL outcomes; and
- Communication of commitment – reporting will provide a medium for Council to tell its stakeholders its 'sustainability story'.

This report focuses on a proposal for Council to develop its Sustainability Plan to meet these undertakings and improve its level of corporate sustainability, decision-making and reporting. This process has commenced with the 2005/ 2006 Annual Report, which is guided by the Global Reporting Initiative framework.

COMMENTS

The following phases are proposed to develop the Sustainability Plan for Ku-ring-gai:

1. Research - The background research for the Sustainability Plan will involve examination of existing national and international examples of similar plans to ensure that Ku-ring-gai develops the most accessible, relevant and appropriate document. As extensive studies have already been undertaken in Ku-ring-gai, it is likely that each department has much of the relevant data in existing plans and strategies. After a review of this material, the data gaps and any specific issues for consultation will be identified. By utilising Council's existing information, duplication of consultation and consultation fatigue by residents and stakeholders will be avoided. Examples of recent planning reports that will inform the future Sustainability Plan are the State of Environment Report, the Community Environment Survey (2004), Community Plan (2005), consultation for the town centres (various 2006) and the organisational Climate Survey and its associated workshops (2006).

2. Sustainability reporting team (SRT) – It is proposed that the SRT will be created for the term of the Sustainability Plan's development. It will consist of the General Manager as chairperson and a representative from each of Council's five divisions. The Strategy Department will provide the support and co-ordinate this program. This group will monitor and direct the progress of the research and development of the Sustainability Plan. The SRT will assist in the identification of sector-specific inclusions and actions requiring input from all areas of council. Certain phases of the research may require specialist advice and people will be co-opted into the team to provide the necessary skills. Reporting of the outcomes of this team to Council will be through existing committees of Council and formal Council reports. It is proposed that the interim will be a regular agenda item on either the Policy or the Planning Committee to ensure substantial input from Council prior to its journal presentation to Council.

3. Internal and external sustainability – The two major areas of investigation will be Internal or Corporate Sustainability (which refers to Ku-ring-gai Council), and External Sustainability, which refers to the community and environment of Ku-ring-gai. Each will be approached as a separate phase with individual strategies. Education will be a vital element in the successful implementation of the Plan; as such education will form part of each consultation session internally and externally. At the culmination of the research in 2009, the two strategies will be integrated to form one comprehensive Sustainability Plan for Ku-ring-gai.

Internal Sustainability

A Corporate Sustainability Report will set sustainability as a core business activity for Council. This will be facilitated by:

- The introduction of a new reporting framework for Council reports in 2007 that have economic, environmental, social and governance heads of consideration. It is also proposed that Ku-ring-gai's new template will require a reference as to how each report links to the current Management Plan. These are currently included to varying degrees at Hornsby Shire Council, Logan Shire Council, Gladstone City Council, Wagga Wagga and Sutherland Councils (see Attachment 2);

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- The implementation of the Global Reporting Initiative (GRI) framework to commence with the 2005/06 Annual Report and 2007/08 Management Plan. This framework uses internationally benchmarked indicators developed specifically for public sector agencies for corporate reporting. This reporting system, recommended by the Federal and State Government, is currently being adopted by many local government authorities in Australia, such as The City of Melbourne, Hornsby Shire Council, The City of Parramatta and The City of Wollongong (see Attachment 1 for further information);
- Working with the Human Resources section regarding the Organisational Climate Survey, in relation to survey findings and the follow-up action plans;
- Working with the Just Communities Project (an initiative of the Department of Local Government and University of Technology Sydney – UTS) to undertake organisational self-assessment to assess the effectiveness of Council's current approaches to governance, management and community engagement;
- Designing and implementing a Corporate Education for Sustainability Program;
- Conducting corporate workshops to discuss ideas and future directions as appropriate, from February 2007; and
- Creating a corporate vision for sustainability by mid 2007 and develop a Council Sustainability Policy by the end of 2007 based on organisational consultation.

External Sustainability

Community and environmental sustainability will examine ways in which local residents and business can work in closer partnership. It will also identify the directions and aspirations of local people for Ku-ring-gai.

Key aims will be to:

- Create a community vision for sustainability;
- Elevate Council-community dialogue for more collaborative planning and relationships;
- Engender community responsibility and ownership for local sustainability;
- Facilitate the establishment of ongoing community sustainability projects; and
- Strengthen volunteer networks and activities.

It is proposed that these aims will be addressed through the processes of:

1. Community conversations;
2. Community sustainability projects; and
3. Volunteer support.

1. Community conversations

It is expected that the proposed Sustainability Plan will be informed by extensive community conversations. This refers to the exchange of knowledge, ideas and expertise as Council staff and local people work together towards a collective planning instrument.

Community conversation activities will commence in December 2006 and be ongoing until mid 2008. They will include:

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- The upgrade of Council's website which will include a sustainability section;
- The development of sectoral sustainability networks for education, sport, business and the environment. These will be formed into email groups where issues and concepts can be discussed between themselves and with council officers;
- Conduct surveys through the Resident Feedback Register;
- Conduct individual interviews with key people, focus group sessions and deliberative forums; and
- Promote the Sustainability Plan and its process through key community events.

2. **Community sustainability projects**

Council will facilitate the set-up of external sustainability projects from February to July 2007, with the intention that these will be maintained and further developed by community members. Many of these will be initially funded from the Environmental Levy and the various community grants schemes.

3. **Volunteer support**

Ongoing community ownership and involvement will be a key to the successful implementation of the Sustainability Plan. Volunteer groups will be contacted as part of the consultation process with the view to Council strengthening support and recognition of the valuable work of volunteers. Volunteer organisations will be encouraged, through the consultation phase, to identify sustainability projects they may wish to undertake. A separate report on volunteers will be submitted to Council in December 2006.

Town centres

Sustainability strategies will be developed for each of the six town centres, complementing the town centre strategies and is indicative of a higher emphasis on place management and true place based planning. There will be many benefits in further breaking down Ku-ring-gai's Sustainability Plan into individual localities. For example it will:

- assist community cohesion and pride;
- encourage a localised investment approach regarding care for the environment and people;
- benefit local businesses through people being encouraged to support their town's economy; and
- promote businesses willing to be part of sustainability solutions.
- seek to improve Council relationships with stakeholders within the town centres.

An additional strategy for Wahroonga can be created. In time, sustainable action plans can also be developed for the neighbourhood centres.

The Sustainability Plan and development of the action plan

The final phase of the Ku-ring-gai Sustainability Plan development involves the integration of the Internal (Corporate) and External (Community and Environment) Sustainability Plans with

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Council's Management Plan into one document. This will occur early in 2009. The plan framework will be structured in a QBL which is consistent with the Global Reporting Initiative framework. Part of this process will include writing a Sustainability Policy which will provide a key statement of intent for Ku-ring-gai.

Once the Sustainability Plan is complete, an Action Plan will be written explaining how Ku-ring-gai will achieve the Sustainability Plan's objectives. The Action Plan will be designed on three levels. The first will provide the long term (25 year) aims, which will then break down into five year and annual activities. This document will be placed as a draft on public display and distributed back to the participants to review the Plan's content. It is proposed that the Sustainability Plan will be ready for fully operational implementation at the commencement of the 2009/2010 financial year.

CONSULTATION

Consultation with Ku-ring-gai individuals, businesses and organisations will be extensive, as outlined in this report.

Consultation has also already occurred with:

- The Global Reporting Initiative;
- Agency for Public Reporting;
- Melbourne City Council, City of Blue Mountains, Hornsby Council;
- NSW Government agencies including the Department of Environment and Conservation, the Department of Local Government and the Premier's Department.

FINANCIAL CONSIDERATIONS

The development of the Sustainability Plan will be undertaken within the ordinary budget of the sustainability areas of Open Space and Strategy Department (when formed). The consultation phases and social research will be funded through the Environmental Levy and from existing allocations within the operational budget.

Given the timing and nature of this project, it will be necessary to identify development of the Sustainability Plan as part of the Strategy Department, as considered by Council on 24 October 2006, in relation to the implementation of the new Council structure. The implementation of the Sustainability Plan and its recommendations will have an impact on some areas of Council. The extent of this impact is unknown at this stage, but it will be clearly identified in the development of draft reports.

One immediate cost to Council would be the Global Reporting Initiative fee to become an Organisational Stakeholder at a cost of 600 Euros (Approx. \$AUD 800). This can be funded through current budgets and will be identified as an ongoing cost in future years.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has occurred with staff in all departments of Council, in particular Human Resources, which coordinated the recent Organisational Climate Survey. The important research and findings of this survey are directly contributing towards organisational sustainability development. Discussions have also occurred with Information Technology staff regarding the future software requirements to assist in the collection and reporting of information.

SUMMARY

It is proposed that a timeframe of two years commencing from December 2006 be dedicated to researching, designing and writing the Sustainability Plan for Ku-ring-gai. This process will be assisted through the formation of a Sustainability Reporting Team, which will manage and report on the Plan's evolution. Progress reports will be submitted to Council on a regular basis as each milestone is achieved.

The end result of this process will be the full integration of the Sustainability Plan and Council's Management Plan, operational in the Year 2009/2010. This holistic plan will use the Global Reporting Initiative as part of its framework and will also be designed using four reporting threads - social, economic, environmental and governance (or 'Quadruple Bottom line'). The process of formulating the plan will be educative, aiming to take full advantage of consultation sessions.

RECOMMENDATION

- A. That Council adopts the timetable and program for the research and implementation of the Sustainability Plan.
- B. That Council adopts the Global Reporting Initiative as part of the framework for the Sustainability Plan.

Kirsten Davies/ Jenny Scott
**Sustainability Program
Leaders**

Peter Davies
**Manager Sustainability &
Natural Environments**

Steven Head
**Director Open Space &
Planning**

Attachments:

- 1. Global Reporting Initiative (GRI) - 692869**
- 2. Sample Triple Bottom Line Reports - 703586**



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Sustainability Reporting Guidelines

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Preface

Sustainable Development and the Transparency Imperative

The goal of sustainable development is to “meet the needs of the present without compromising the ability of future generations to meet their own needs.”¹ As key forces in society, organizations of all kinds have an important role to play in achieving this goal.

Yet in this era of unprecedented economic growth, achieving this goal can seem more of an aspiration than a reality. As economies globalize, new opportunities to generate prosperity and quality of life are arising through trade, knowledge-sharing, and access to technology. However, these opportunities are not always available for an ever-increasing human population, and are accompanied by new risks to the stability of the environment. Statistics demonstrating positive improvements in the lives of many people around the world are counter-balanced by alarming information about the state of the environment and the continuing burden of poverty and hunger on millions of people. This contrast creates one of the most pressing dilemmas for the 21st century.

One of the key challenges of sustainable development is that it demands new and innovative choices and ways of thinking. While developments in knowledge and technology are contributing to economic development, they also have the potential to help resolve the risks and threats to the sustainability of our social relations, environment, and economies. New knowledge and innovations in technology, management, and public policy are challenging organizations to make new choices in the way their operations, products, services, and activities impact the earth, people, and economies.

The urgency and magnitude of the risks and threats to our collective sustainability, alongside increasing choice and opportunities, will make transparency about economic, environmental, and social impacts a fundamental component in effective stakeholder relations, investment decisions, and other market relations. To support this expectation, and to communicate clearly and openly about sustainability, a globally shared framework of concepts, consistent language, and metrics is required. It is the Global Reporting Initiative’s (GRI) mission to fulfil this need by providing a trusted and credible framework for sustainability reporting that can be used by organizations of any size, sector, or location.

Transparency about the sustainability of organizational activities is of interest to a diverse range of stakeholders, including business, labor, non-governmental organizations, investors, accountancy, and others. This is why GRI has relied on the collaboration of a large network of experts from all of these stakeholder groups in consensus-seeking consultations. These consultations, together with practical experience, have continuously improved the Reporting Framework since GRI’s founding in 1997. This multi-stakeholder approach to learning has given the Reporting Framework the widespread credibility it enjoys with a range of stakeholder groups.

¹ World Commission on Environment and Development. Our Common Future. Oxford: Oxford University Press, 1987, p.43.



Overview of Sustainability Reporting

The Purpose of a Sustainability Report

Sustainability reporting is the practice of measuring, disclosing, and being accountable to internal and external stakeholders for organizational performance towards the goal of sustainable development. 'Sustainability reporting' is a broad term considered synonymous with others used to describe reporting on economic, environmental, and social impacts (e.g., triple bottom line, corporate responsibility reporting, etc.).

A sustainability report should provide a balanced and reasonable representation of the sustainability performance of a reporting organization – including both positive and negative contributions.

Sustainability reports based on the GRI Reporting Framework disclose outcomes and results that occurred within the reporting period in the context of the organization's commitments, strategy, and management approach. Reports can be used for the following purposes, among others:

- **Benchmarking** and assessing sustainability performance with respect to laws, norms, codes, performance standards, and voluntary initiatives;
- **Demonstrating** how the organization influences and is influenced by expectations about sustainable development; and
- **Comparing** performance within an organization and between different organizations over time.

Orientation to the GRI Reporting Framework

All GRI Reporting Framework documents are developed using a process that seeks consensus through dialogue between stakeholders from business, the investor community, labor, civil society, accounting, academia, and others. All Reporting Framework documents are subject to testing and continuous improvement.

The GRI Reporting Framework is intended to serve as a generally accepted framework for reporting on an organization's economic, environmental, and social performance. It is designed for use by organizations of any size, sector, or location. It takes into account the practical considerations faced by a diverse range of organizations – from small enterprises to those with extensive and geographically dispersed operations. The GRI Reporting Framework contains general and sector-specific content that has been agreed by a wide range of stakeholders around the world to be generally applicable for reporting an organization's sustainability performance.

The Sustainability Reporting Guidelines (the Guidelines) consist of Principles for defining report content and ensuring the quality of reported information. It also includes Standard Disclosures made up of Performance Indicators and other disclosure items, as well as guidance on specific technical topics in reporting.

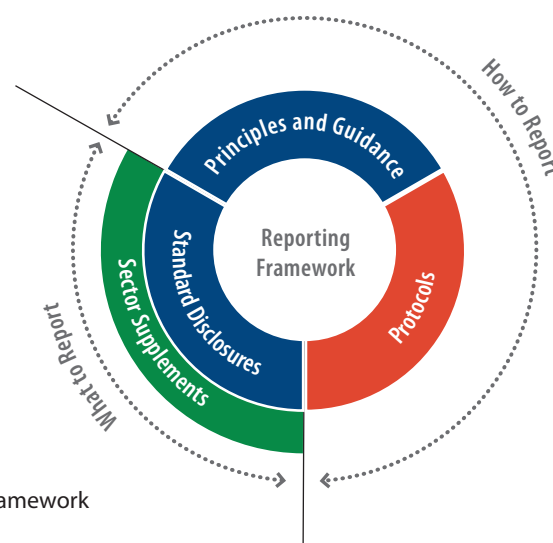


Figure 1: The GRI Reporting Framework



Indicator Protocols exist for each of the Performance Indicators contained in the Guidelines. These Protocols provide definitions, compilation guidance, and other information to assist report preparers and to ensure consistency in the interpretation of the Performance Indicators. Users of the Guidelines should also use the Indicator Protocols.

Sector Supplements complement the Guidelines with interpretations and guidance on how to apply the Guidelines in a given sector, and include sector-specific Performance Indicators. Applicable Sector Supplements should be used in addition to the Guidelines rather than in place of the Guidelines.

Technical Protocols are created to provide guidance on issues in reporting, such as setting the report boundary. They are designed to be used in conjunction with the Guidelines and Sector Supplements and cover issues that face most organizations during the reporting process.

Orientation to the GRI Guidelines

The Sustainability Reporting Guidelines consist of Reporting Principles, Reporting Guidance, and Standard Disclosures (including Performance Indicators). These elements are considered to be of equal in weight and importance.

Part 1 – Reporting Principles and Guidance

Three main elements of the reporting process are described in Part 1. To help determine what to report on, this section covers the Reporting Principles of materiality, stakeholder inclusiveness, sustainability context, and completeness, along with a brief set of tests for each Principle. Application of these Principles with the Standard Disclosures determines the topics and Indicators to be reported. This is followed by Principles of balance, comparability, accuracy, timeliness, reliability, and clarity, along with tests that can be used to help achieve the appropriate quality of the reported information. This section concludes with guidance for reporting organizations on how to define the range of entities represented by the report (also called the 'Report Boundary').

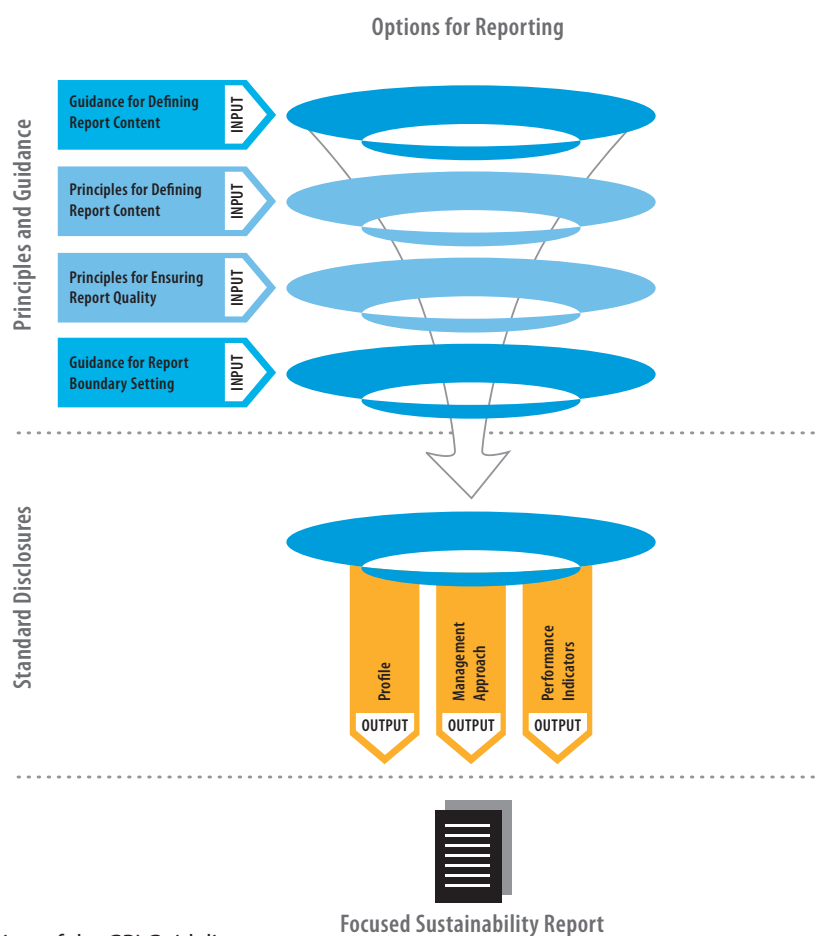


Figure 2: Overview of the GRI Guidelines



Part 2 – Standard Disclosures

Part 2 contains the Standard Disclosures that should be included in sustainability reports. The Guidelines identify information that is relevant and material to most organizations and of interest to most stakeholders for reporting the three types of Standard Disclosures:

- **Strategy and Profile:** Disclosures that set the overall context for understanding organizational performance such as its strategy, profile, and governance.
- **Management Approach:** Disclosures that cover how an organization addresses a given set of topics in order to provide context for understanding performance in a specific area.
- **Performance Indicators:** Indicators that elicit comparable information on the economic, environmental, and social performance of the organization.

Applying the Guidelines

Getting Started

All organizations (private, public, or non-profit) are encouraged to report against the Guidelines whether they are beginners or experienced reporters, and regardless of their size, sector, or location. Reporting can take various forms, including web or print, stand alone or combined with annual or financial reports.

The first step is to determine report content. Guidance for this is provided in Part 1. Some organizations may choose to introduce reporting against the full GRI Reporting Framework from the outset, while others may want to start with the most feasible and practical topics first and phase in reporting on other topics over time. All reporting organizations should describe the scope of their reporting and are encouraged to indicate their plans for expanding their reporting over time.

GRI Application Levels

Upon finalization of their report, preparers should declare the level to which they have applied the GRI Reporting Framework via the “GRI Application Levels” system. This system aims to provide:

- **Report readers** with clarity about the extent to which the GRI Guidelines and other Reporting Framework elements have been applied in the preparation of a report.
- **Report preparers** with a vision or path for incrementally expanding application of the GRI Reporting Framework over time.

Declaring an Application Level results in a clear communication about which elements of the GRI Reporting Framework have been applied in the preparation of a report. To meet the needs of new beginners, advanced reporters, and those somewhere in between, there are three levels in the system. They are titled C, B, and A. The reporting criteria found in each level reflects an increasing application or coverage of the GRI Reporting Framework. An organization can self-declare a “plus” (+) at each level (ex., C+, B+, A+) if they have utilized external assurance.²

An organization self-declares a reporting level based on its own assessment of its report content against the criteria in the GRI Application Levels.

² See the assurance section under General Reporting Notes for more information on options for assurance.



In addition to the self declaration, reporting organizations can choose one or both of the following options:

- Have an assurance provider offer an opinion on the self-declaration.
- Request that the GRI check the self-declaration.

For more information on Application Levels, and the complete criteria, see the GRI Applications Level information pack available as an insert to this document, or found online at www.globalreporting.org.

Request for notification of use

Organizations that have used the Guidelines and/or other elements of the GRI Reporting Framework as the basis for their report are requested to notify the Global Reporting Initiative upon its release. While notifying GRI, organizations can choose any or all of the following options:

- Simply notify the GRI of the report and provide hard and/or soft copy
- Register their report in GRI's online database of reports
- Request GRI check their self-declared Application Level.

Maximizing Report Value

Sustainability reporting is a living process and tool, and does not begin or end with a printed or online publication. Reporting should fit into a broader process for setting organizational strategy, implementing action plans, and assessing outcomes. Reporting enables a robust assessment of the organization's performance, and can support continuous improvement in performance over time. It also serves as a tool for engaging with stakeholders and securing useful input to organizational processes.

Part 1: Defining Report Content, Quality, and Boundary

This section provides Reporting Principles and Reporting Guidance regarding defining report content, ensuring the quality of reported information, and setting the Report Boundary.

Reporting Guidance describes actions that can be taken, or options that the reporting organization can consider when making decisions on what to report on, and generally helps interpret or govern the use of the GRI Reporting Framework. Guidance is provided for defining report content and setting report Boundary.

Reporting Principles describe the outcomes a report should achieve and guide decisions throughout the reporting process, such as selecting which topics and Indicators to report on and how to report on them. Each of the Principles consists of a definition, an explanation, and a set of tests for the reporting organization to assess its use of the Principles. The tests are intended to serve as tools for self-diagnosis, but not as specific disclosures to report against. Tests can, however, serve as a reference for explaining decisions about the application of the Principles

Together, the Principles are intended to help achieve transparency – a value and a goal that underlies all aspects of sustainability reporting. Transparency can be defined as the complete disclosure of information on the topics and Indicators required to reflect impacts and enable stakeholders to make decisions, and the processes, procedures, and assumptions used to prepare those disclosures. The Principles themselves are organized into two groups:

- Principles for determining the topics and Indicators on which the organization should report; and
- Principles for ensuring the quality and appropriate presentation of reported information.

The Principles have been grouped in this way to help clarify their role and function, but this does not impose a rigid restriction on their use. Each Principle can support a range of decisions, and may prove useful in considering questions beyond just defining report content or ensuring the quality of reported information.



1.1 Defining Report Content

In order to ensure a balanced and reasonable presentation of the organization's performance, a determination must be made about what content the report should cover. This determination should be made by considering both the organization's purpose and experience, and the reasonable expectations and interests of the organization's stakeholders. Both are important reference points when deciding what to include in the report.

Reporting Guidance for Defining Content

The following approach governs the use of the GRI Reporting Framework in preparing sustainability reports.

- Identify the topics and related Indicators that are relevant, and therefore might be appropriate to report, by undergoing an iterative process using the Principles of materiality, stakeholder inclusiveness, sustainability context, and guidance on setting the Report Boundary.
- When identifying topics, consider the relevance of all Indicator Aspects identified in the GRI Guidelines and applicable Sector Supplements. Also consider other topics, if any, that are relevant to report.
- From the set of relevant topics and Indicators identified, use the tests listed for each Principle to assess which topics and Indicators are material, and therefore should be reported³.
- Use the Principles to prioritize selected topics and decide which will be emphasized.
- The specific methods or processes used for assessing materiality should:
 - Differ for, and can be defined by, each organization;
 - Always take into account the guidance and tests found in the GRI Reporting Principles; and
 - Be disclosed.

In applying this approach:

- Differentiate between Core and Additional Indicators. All Indicators have been developed through GRI's multi-stakeholder processes, and those designated as Core are generally applicable Indicators and are assumed to be material for most organizations. An organization should report on these unless they are deemed not material on the basis of the Reporting Principles. Additional Indicators may also be determined to be material.
- The Indicators in final versions of Sector Supplements are considered to be Core Indicators, and should be applied using the same approach as the Core Indicators found in the Guidelines.
- All other information (e.g., company specific Indicators) included in the report should be subject to the same Reporting Principles and have the same technical rigor as GRI Standard Disclosures.
- Confirm that the information to be reported and the Report Boundary are appropriate by applying the Principle of completeness.

Options for Reporting

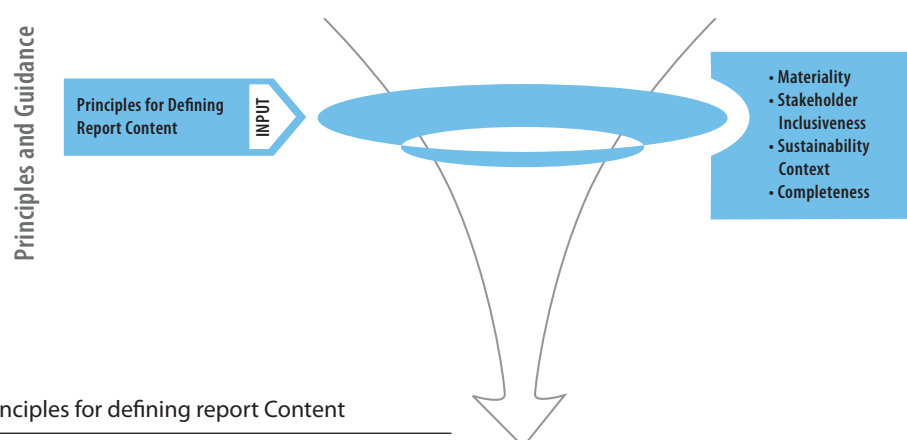


Figure 3: Principles for defining report Content

³ GRI Organizational Profile Disclosures (1-4) apply to all reporting organizations.



Reporting Principles for Defining Content

Each of the Reporting Principles consists of a definition, an explanation, and a set of tests to guide the use of the Principles. The tests are intended to serve as tools for self-diagnosis, but not as specific Disclosure items to report against. The Principles should be used together with the guidance on defining content.

MATERIALITY

Definition: The information in a report should cover topics and Indicators that reflect the organization's significant economic, environmental, and social impacts, or that would substantively influence the assessments and decisions of stakeholders.

Explanation: Organizations are faced with a wide range of topics on which it could report. Relevant topics and Indicators are those that may reasonably be considered important for reflecting the organization's economic, environmental, and social impacts, or influencing the decisions of stakeholders, and, therefore, potentially merit inclusion in the report. Materiality is the threshold at which an issue or Indicator becomes sufficiently important that it should be reported. Beyond this threshold, not all material topics will be of equal importance and the emphasis within a report should reflect the relative priority of these material topics and Indicators.

In financial reporting, materiality is commonly thought of as a threshold for influencing the economic decisions of those using an organization's financial statements, investors in particular. The concept of a threshold is also important in sustainability reporting, but it is concerned with a wider range of impacts and stakeholders. Materiality for sustainability reporting is not limited only to those sustainability topics that have a significant financial impact on the organization. Determining materiality for a sustainability report also includes considering economic, environmental, and social impacts that cross a threshold in affecting the ability to meet the needs of the present without compromising the needs of future generations.⁴ These material issues will often have a significant financial impact in the near-term or long-term on an organization. They will therefore also be relevant for stakeholders who focus strictly on the financial condition of an organization.

A combination of internal and external factors should be used to determine whether information is material, including factors such as the organization's overall mission and competitive strategy, concerns expressed directly by stakeholders, broader social expectations,

and the organization's influence on upstream (e.g., supply chain) and downstream (e.g., customers) entities. Assessments of materiality should also take into account the basic expectations expressed in the international standards and agreements with which the organization is expected to comply.

These internal and external factors should be considered when evaluating the importance of information for reflecting significant economic, environmental, and social impacts, or stakeholder decision making.⁵ A range of established methodologies can be used to assess the significance of impacts. In general, 'significant impacts' refer to those that are a subject of established concern for expert communities, or that have been identified using established tools such as impact assessment methodologies or life cycle assessments. Impacts that are considered important enough to require active management or engagement by the organization can likely be considered to be significant.

The report should emphasize information on performance regarding the most material topics. Other relevant topics can be included, but should be given less prominence in the report. The process by which the relative priority of topics was determined should be explained.

In addition to guiding the selection of topics to report, the Materiality Principle also applies to the use of Performance Indicators. When disclosing performance data, there are

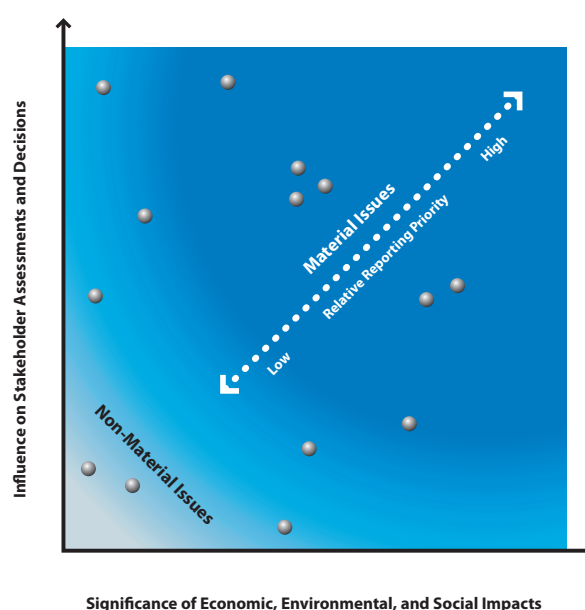


Figure 4: Defining Materiality

⁴ World Commission on Environment and Development. Our Common Future. Oxford: Oxford University Press, 1987, p. 43.

⁵ See the principle of stakeholder inclusion for a discussion of stakeholders.



varying degrees of comprehensiveness and detail that could be provided in a report. In some cases, GRI guidance exists on the level of detail generally considered appropriate for a specific Indicator. Overall, decisions on how to report data should be guided by the importance of the information for assessing the performance of the organization, and facilitating appropriate comparisons.

Reporting on material topics may involve disclosing information used by external stakeholders that differs from the information used internally for day-to-day management purposes. However, such information does indeed belong in a report, where it can inform assessments or decision-making by stakeholders, or support engagement with stakeholders that can result in actions that would significantly influence performance or address key topics of stakeholder concern.

Tests

External Factors

In defining material topics, take into account external factors, including:

- ☑ Main sustainability interests/topics and Indicators raised by stakeholders.
- ☑ The main topics and future challenges for the sector reported by peers and competitors.
- ☑ Relevant laws, regulations, international agreements, or voluntary agreements with strategic significance to the organization and its stakeholders.
- ☑ Reasonably estimable sustainability impacts, risks, or opportunities (e.g., global warming, HIV-AIDS, poverty) identified through sound investigation by people with recognized expertise, or by expert bodies with recognized credentials in the field.

Internal Factors

In defining material topics, take into account internal factors, including:

- ☑ Key organizational values, policies, strategies, operational management systems, goals, and targets.
- ☑ The interests/expectations of stakeholders specifically invested in the success of the organization (e.g., employees, shareholders, and suppliers).
- ☑ Significant risks to the organization.
- ☑ Critical factors for enabling organizational success.
- ☑ The core competencies of the organization and the manner in which they can or could contribute to sustainable development.

Prioritizing

- ☑ The report prioritizes material topics and Indicators.



STAKEHOLDER INCLUSIVENESS

Definition: The reporting organization should identify its stakeholders and explain in the report how it has responded to their reasonable expectations and interests.

Explanation: Stakeholders are defined as entities or individuals that can reasonably be expected to be significantly affected by the organization's activities, products, and/or services; and whose actions can reasonably be expected to affect the ability of the organization to successfully implement its strategies and achieve its objectives. This includes entities or individuals whose rights under law or international conventions provide them with legitimate claims vis-à-vis the organization.

Stakeholders can include those who are invested in the organization (e.g., employees, shareholders, suppliers) as well as those who are external to the organization (e.g., communities).

The reasonable expectations and interests of stakeholders are a key reference point for many decisions in the preparation of a report, such as the scope, boundary, application of Indicators, and assurance approach. However, not all of an organization's stakeholders will use the report. This presents challenges in balancing the specific interests/expectations of stakeholders who can reasonably be expected to use the report with broader expectations of accountability to all stakeholders.

For some decisions, such as the report scope or boundary of a report, the reasonable expectations and interests of a wide range of stakeholder will need to be considered. There may be, for example, stakeholders who are unable to articulate their views on a report and whose concerns are presented by proxies. There may also be stakeholders who choose not to express views on reports because they rely on different means of communication and engagement. The reasonable expectations and interests of these stakeholders should still be acknowledged in decisions about the content of the report. However, other decisions, such as the level of detail required to be useful to stakeholders, or expectations of different stakeholders about what is required to achieve clarity, may require greater emphasis on those who can reasonably be expected to use the report. It is important to document the processes and approach taken in making these decisions.

Stakeholder engagement processes can serve as tools for understanding the reasonable expectations and interests of stakeholders. Organizations typically initiate different types of stakeholder engagement as part of their regular activities, which can provide useful inputs for decisions on reporting. These may include, for example, stakeholder engagement for the purpose of compliance with internationally-agreed standards, or informing ongoing organizational/ business processes. In addition, stakeholder engagement may also be implemented specifically to inform the report preparation process. Organizations can also use other means such as the media, the scientific community, or collaborative activities with peers and stakeholders. These means can help the organization better understand stakeholders' reasonable expectations and interests.

For a report to be assurable, the process of stakeholder engagement should be documented. When stakeholder engagement processes are used for reporting purposes, they should be based on systematic or generally-accepted approaches, methodologies, or principles. The overall approach should be sufficiently effective to ensure that stakeholders' information needs are properly understood. The reporting organization should document its approach for defining which stakeholders it engaged with, how and when it engaged with them, and how engagement has influenced the report content and the organization's sustainability activities. These processes should be capable of identifying direct input from stakeholders as well as legitimately established societal expectations. An organization may encounter conflicting views or differing expectations among its stakeholders, and will need to be able to explain how it balanced these in reaching its reporting decisions.

Failure to identify and engage with stakeholders is likely to result in reports that are not suitable, and therefore not fully credible, to all stakeholders. In contrast, systematic stakeholder engagement enhances stakeholder receptivity and the usefulness of the report. Executed properly, it is likely to result in ongoing learning within the organization and by external parties, as well as increase accountability to a range of stakeholders. Accountability strengthens trust between the reporting organization and its stakeholders. Trust, in turn, fortifies report credibility.



Tests:

- ☑ The organization can describe the stakeholders to whom it considers itself accountable.
- ☑ The report content draws upon the outcomes of stakeholder engagement processes used by the organization in its ongoing activities, and as required by the legal and institutional framework in which it operates.
- ☑ The report content draws upon the outcomes of any stakeholder engagement processes undertaken specifically for the report.
- ☑ The stakeholder engagement processes that inform decisions about the report are consistent with the scope and boundary of the report.

SUSTAINABILITY CONTEXT

Definition: The report should present the organization's performance in the wider context of sustainability.

Explanation: Information on performance should be placed in context. The underlying question of sustainability reporting is how an organization contributes, or aims to contribute in the future, to the improvement or deterioration of economic, environmental, and social conditions, developments, and trends at the local, regional, or global level. Reporting only on trends in individual performance (or the efficiency of the organization) will fail to respond to this underlying question. Reports should therefore seek to present performance in relation to broader concepts of sustainability. This will involve discussing the performance of the organization in the context of the limits and demands placed on environmental or social resources at the sectoral, local, regional, or global level. For example, this could mean that in addition to reporting on trends in eco-efficiency, an organization might also present its absolute pollution loading in relation to the capacity of the regional ecosystem to absorb the pollutant.

This concept is often most clearly articulated in the environmental arena in terms of global limits on resource use and pollution levels. However, it can also be relevant with respect to social and economic objectives such as national or international socio-economic and sustainable development goals. For example, an organization could report on employee wages and social benefit levels in relation to nation-wide minimum and median income levels and the capacity of social safety nets to absorb those in poverty or those living close to the poverty line. Organizations operating in a diverse range of locations, sizes, and sectors will need to consider how to best frame their overall organizational performance in the broader context of sustainability. This may require distinguishing between topics or factors that drive global impacts (such as climate change) and those that have more regional or local impacts (such as community development). Similarly, distinctions might need to be made between trends or patterns of impacts across the range of operations versus contextualizing performance location by location.

The organization's own sustainability and business strategy provides the context in which to discuss performance. The relationship between sustainability and organizational strategy should be made clear, as should the context within which performance is reported.



Tests:

- ☑ The organization presents its understanding of sustainable development and draws on objective and available information as well as measures of sustainable development for the topics covered in the report.
- ☑ The organization presents its performance with reference to broader sustainable development conditions and goals, as reflected in recognized sectoral, local, regional, and/or global publications.
- ☑ The organization presents its performance in a manner that attempts to communicate the magnitude of its impact and contribution in appropriate geographical contexts.
- ☑ The report describes how sustainability topics relate to long-term organizational strategy, risks, and opportunities, including supply-chain topics.

COMPLETENESS

Definition: Coverage of the material topics and Indicators and definition of the report boundary should be sufficient to reflect significant economic, environmental, and social impacts and enable stakeholders to assess the reporting organization's performance in the reporting period.

Explanation: Completeness primarily encompasses the dimensions of scope, boundary, and time. The concept of completeness can also be used to refer to practices in information collection (for example, ensuring that compiled data includes results from all sites within the Report Boundary) and whether the presentation of information is reasonable and appropriate. These topics are related to report quality, and are addressed in greater detail under the Principles of accuracy and balance later in Part 1.

Scope refers to the range of sustainability topics covered in a report. The sum of the topics and Indicators reported should be sufficient to reflect significant economic, environmental, and social impacts. It should also enable stakeholders to assess the organization's performance. In determining whether the information in the report is sufficient, the organization should consider both the results of stakeholder engagement processes and broad-based societal expectations that may not have surfaced directly through stakeholder engagement processes.

'Boundary' refers to the range of entities (e.g., subsidiaries, joint ventures, sub-contractors, etc.) whose performance is represented by the report. In setting the boundary for its report, an organization must consider the range of entities over which it exercises control (often referred to as the 'organizational boundary,' and usually linked to definitions used in financial reporting) and over which it exercises influence (often called the 'operational boundary'). In assessing influence, the organization will need to consider its ability to influence entities upstream (e.g., in its supply chain) as well as entities downstream (e.g., distributors and users of its products and services). The boundary may vary based on the specific Aspect or type of information being reported.

'Time' refers to the need for the selected information to be complete for the time period specified by the report. As far as practicable, activities, events, and impacts should be presented for the reporting period in which they occur. This includes reporting on activities that produce minimal short-term impact, but which have



a significant and reasonably foreseeable cumulative effect that may become unavoidable or irreversible in the longer term (e.g., bio-accumulative or persistent pollutants). In making estimates of future impacts (both positive and negative), the reported information should be based on well-reasoned estimates that reflect the likely size, nature, and scope of impacts. Although such estimates are by nature subject to uncertainty, they can provide useful information for decision-making as long as the basis for estimates is clearly disclosed and the limitations of the estimates are clearly acknowledged. Disclosing the nature and likelihood of such impacts, even if they may only materialize in the future, is consistent with the goal of providing a balanced and reasonable representation of the organization's economic, environmental, and social performance.

Tests:

- ☑ The report was developed taking into account the entire chain of entities upstream and downstream, and covers and prioritizes all information that should reasonably be considered material on the basis of the principles of materiality, sustainability context, and stakeholder inclusiveness.
- ☑ The report includes all entities that meet the criteria of being subject to control or significant influence of the reporting organization unless otherwise declared.
- ☑ The information in the report includes all significant actions or events in the reporting period, and reasonable estimates of significant future impacts of past events when those impacts are reasonably foreseeable and may become unavoidable or irreversible.
- ☑ The report does not omit relevant information that would influence or inform stakeholder assessments or decisions, or that would reflect significant economic, environmental, and social impacts.

1.2 Reporting Principles for Defining Quality

This section contains Principles that guide choices on ensuring the quality of reported information, including its proper presentation. Decisions related to the process of preparing information in a report should be consistent with these Principles. All of these Principles are fundamental for effective transparency. The quality of information enables stakeholders to make sound and reasonable assessments of performance, and take appropriate action.

Reporting Principles for Defining Quality

BALANCE

Definition: The report should reflect positive and negative aspects of the organization's performance to enable a reasoned assessment of overall performance.

Explanation: The overall presentation of the report's content should provide an unbiased picture of the reporting organization's performance. The report should avoid selections, omissions, or presentation formats that are reasonably likely to unduly or inappropriately influence a decision or judgment by the report reader. The report should include both favorable and unfavorable results, as well as topics that can influence the decisions of stakeholders in proportion to their materiality. Reports should clearly distinguish between factual presentation and the reporting organization's interpretation of information.

Tests:

- ☑ The report discloses both favorable and unfavorable results and topics.
- ☑ The information in the report is presented in a format that allows users to see positive and negative trends in performance on a year-to-year basis.
- ☑ The emphasis on the various topics in the report is proportionate to their relative materiality.



COMPARABILITY

Definition: Issues and information should be selected, compiled, and reported consistently. Reported information should be presented in a manner that enables stakeholders to analyze changes in the organization's performance over time, and could support analysis relative to other organizations.

Explanation: Comparability is necessary for evaluating performance. Stakeholders using the report should be able to compare information reported on economic, environmental, and social performance against the organization's past performance, its objectives, and, to the degree possible, against the performance of other organizations. Consistency in reporting allows internal and external parties to benchmark performance and assess progress as part of rating activities, investment decisions, advocacy programs, and other activities. Comparisons between organizations require sensitivity to factors such as differences in organizational size, geographic influences, and other considerations that may affect the relative performance of an organization. Where necessary, report preparers should consider providing context that will help report users understand the factors that may contribute to differences in performance between organizations.

Maintaining consistency with the methods used to calculate data, with the layout of the report, and with explaining the methods and assumptions used to prepare information, all facilitates comparability over time. As the relative importance of topics to a given organization and its stakeholders change over time, the

content of reports will also evolve. However, within the confines of the Principle of Materiality, organizations should aim for consistency in their reports over time. An organization should include total numbers (i.e., absolute data such as tons of waste) as well as ratios (i.e., normalized data such as waste per unit of production) to enable analytical comparisons.

When changes occur with the boundary, scope, length of the reporting period, or content (including the design, definitions, and use of any Indicators in the report), reporting organizations should, whenever practicable, restate current disclosures alongside historical data (or vice versa). This ensures that information and comparisons are both reliable and meaningful over time. Where such restatements are not provided, the report should explain the reasons and implications for interpreting current disclosures.

Tests:

- ☑ The report and the information contained within it can be compared on a year-to-year basis.
- ☑ The organization's performance can be compared with appropriate benchmarks.
- ☑ Any significant variation between reporting periods in the boundary, scope, length of reporting period, or information covered in the report can be identified and explained.

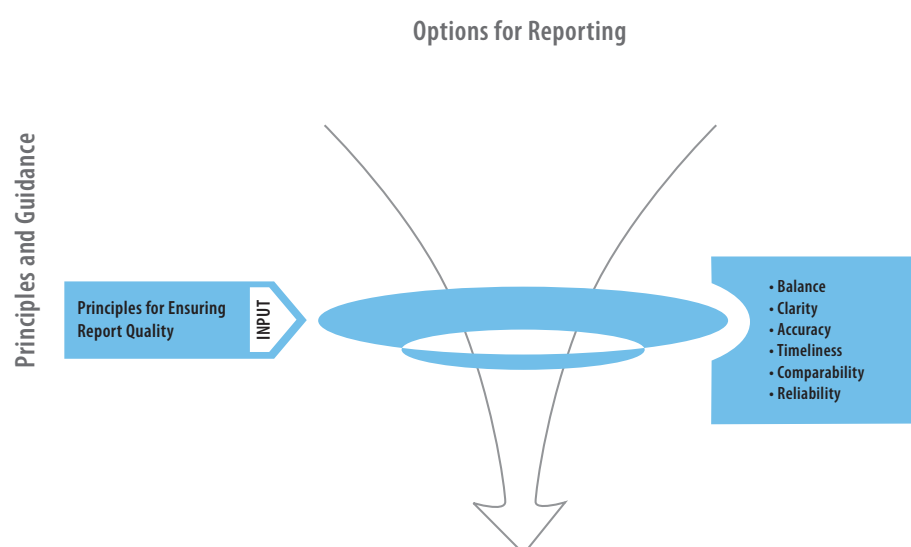


Figure 5: Principles for Ensuring Report Quality



- ☑ Where they are available, the report utilizes generally accepted protocols for compiling, measuring, and presenting information, including the GRI Technical Protocols for Indicators contained in the Guidelines.
- ☑ The report uses GRI Sector Supplements, where available.

ACCURACY

Definition: The reported information should be sufficiently accurate and detailed for stakeholders to assess the reporting organization's performance.

Explanation: Responses to economic, environmental, and social topics and Indicators can be expressed in many different ways, ranging from qualitative responses to detailed quantitative measurements. The characteristics that determine accuracy vary according to the nature of the information and the user of the information. For example, the accuracy of qualitative information is largely determined by the degree of clarity, detail, and balance in presentation within the appropriate Report Boundary. The accuracy of quantitative information, on the other hand, may depend on the specific methods used to gather, compile, and analyze data. The specific threshold of accuracy that is necessary will depend partly on the intended use of the information. Certain decisions will require higher levels of accuracy in reported information than others.

Tests:

- ☑ The report indicates the data that has been measured.
- ☑ The data measurement techniques and bases for calculations are adequately described, and can be replicated with similar results.
- ☑ The margin of error for quantitative data is not sufficient to substantially influence the ability of stakeholders to reach appropriate and informed conclusions on performance.
- ☑ The report indicates which data has been estimated and the underlying assumptions and techniques used to produce the estimates, or where that information can be found.
- ☑ The qualitative statements in the report are valid on the basis of other reported information and other available evidence.



TIMELINESS

Definition: Reporting occurs on a regular schedule and information is available in time for stakeholders to make informed decisions.

Explanation: The usefulness of information is closely tied to whether the timing of its disclosure to stakeholders enables them to effectively integrate it into their decision-making. The timing of release refers both to the regularity of reporting as well as its proximity to the actual events described in the report.

Although a constant flow of information is desirable for meeting certain purposes, reporting organizations should commit to regularly providing a consolidated disclosure of their economic, environmental, and social performance at a single point in time. Consistency in the frequency of reporting and the length of reporting periods is also necessary to ensure comparability of information over time and accessibility of the report to stakeholders. It can be of value for stakeholders if the schedules for sustainability reporting and financial reporting are aligned. The organization should balance the need to provide information in a timely manner with the importance of ensuring that the information is reliable.

Tests:

- ☑ Information in the report has been disclosed while it is recent relative to the reporting period.
- ☑ The collection and publication of key performance information is aligned with the sustainability reporting schedule.
- ☑ The information in the report (including web-based reports) clearly indicates the time period to which it relates, when it will be updated, and when the last updates were made.

CLARITY

Definition: Information should be made available in a manner that is understandable and accessible to stakeholders using the report.

Explanation: The report should present information in a way that is understandable, accessible, and usable by the organization's range of stakeholders (whether in print form or through other channels). A stakeholder should be able to find desired information without unreasonable effort. Information should be presented in a manner that is comprehensible to stakeholders who have a reasonable understanding of the organization and its activities. Graphics and consolidated data tables can help make the information in the report accessible and understandable. The level of aggregation of information can also affect the clarity of a report if it is either significantly more or less detailed than stakeholders expect.

Tests:

- ☑ The report contains the level of information required by stakeholders, but avoids excessive and unnecessary detail.
- ☑ Stakeholders can find the specific information they want without unreasonable effort through tables of contents, maps, links, or other aids.
- ☑ The report avoids technical terms, acronyms, jargon, or other content likely to be unfamiliar to stakeholders, and should include explanations (where necessary) in the relevant section or in a glossary.
- ☑ The data and information in the report is available to stakeholders, including those with particular accessibility needs (e.g., differing abilities, language, or technology).



RELIABILITY

Definition: Information and processes used in the preparation of a report should be gathered, recorded, compiled, analyzed, and disclosed in a way that could be subject to examination and that establishes the quality and materiality of the information.

Explanation: Stakeholders should have confidence that a report could be checked to establish the veracity of its contents and the extent to which it has appropriately applied Reporting Principles. The information and data included in a report should be supported by internal controls or documentation that could be reviewed by individuals other than those who prepared the report. Disclosures about performance that are not substantiated by evidence should not appear in a sustainability report unless they represent material information, and the report provides unambiguous explanations of any uncertainties associated with the information. The decision-making processes underlying a report should be documented in a manner that allows the basis of key decisions (such as processes for determining the report content and boundary or stakeholder engagement) to be examined. In designing information systems, reporting organizations should anticipate that the systems could be examined as part of an external assurance process.

Tests:

- ☑ The scope and extent of external assurance is identified.
- ☑ The original source of the information in the report can be identified by the organization.
- ☑ Reliable evidence to support assumptions or complex calculations can be identified by the organization.
- ☑ Representation is available from the original data or information owners, attesting to its accuracy within acceptable margins of error.

1.3 Reporting Guidance for Boundary Setting⁶

In parallel with defining the content of a report, an organization must determine which entities' (e.g., subsidiaries and joint ventures) performance will be represented by the report. The Sustainability Report Boundary should include the entities over which the reporting organization exercises control or significant influence both in and through its relationships with various entities upstream (e.g., supply chain) and downstream (e.g., distribution and customers).

For the purpose of setting boundaries, the following definitions should apply⁷:

- Control: the power to govern the financial and operating policies of an enterprise so as to obtain benefits from its activities.
- Significant influence: the power to participate in the financial and operating policy decisions of the entity but not the power to control those policies.

The guidance below on setting the Report Boundary pertains to the report as a whole as well as setting the boundary for individual Performance Indicators.

Not all entities within the Report Boundary must be reported on in the same manner. The approach to reporting on an entity will depend on a combination of the reporting organization's control or influence over the entity, and whether the disclosure relates to operational performance, management performance, or narrative/descriptive information.

The Report Boundary guidance is based on the recognition that different relationships involve differing degrees of access to information and the ability to affect outcomes. For example, operational information such as emissions data can be reliably compiled from entities under the control of an organization, but may not be available for a joint venture or a supplier. The Report Boundary guidance below sets minimum expectations for the inclusion of entities upstream and downstream when reporting on Indicators and management disclosures. However, an organization may determine that it is necessary to extend the boundary for an Indicator(s) to include entities upstream or downstream.

⁶ The guidance on Report Boundary has been derived from the Boundary Protocol. Future updates to the Guidelines will incorporate any further lessons or guidance developed from experience with the Reporting Boundary Protocol.

⁷ Further discussion of these terms can be found in the Boundary Protocol.



Determining the significance of an entity when collecting information or considering the extension of a boundary depends on the scale of its sustainability impacts. Entities with significant impacts typically generate the greatest risk or opportunity for an organization and its stakeholders, and therefore are the entities for which the organization is most likely to be perceived as being accountable or responsible.

Reporting Guidance for Boundary Setting

- A sustainability report should include in its boundary all entities that generate significant sustainability impacts (actual and potential) and/or all entities over which the reporting organization exercises control or significant influence with regard to financial and operating policies and practices.
- These entities can be included using either Indicators of operational performance, Indicators of management performance, or narrative descriptions.
- At a minimum, the reporting organization should include the following entities in its report using these approaches:
 - Entities over which the organization exercises control should be covered by Indicators of Operational Performance; and
 - Entities over which the organization exercises significant influence should be covered by Disclosures on Management Approach.

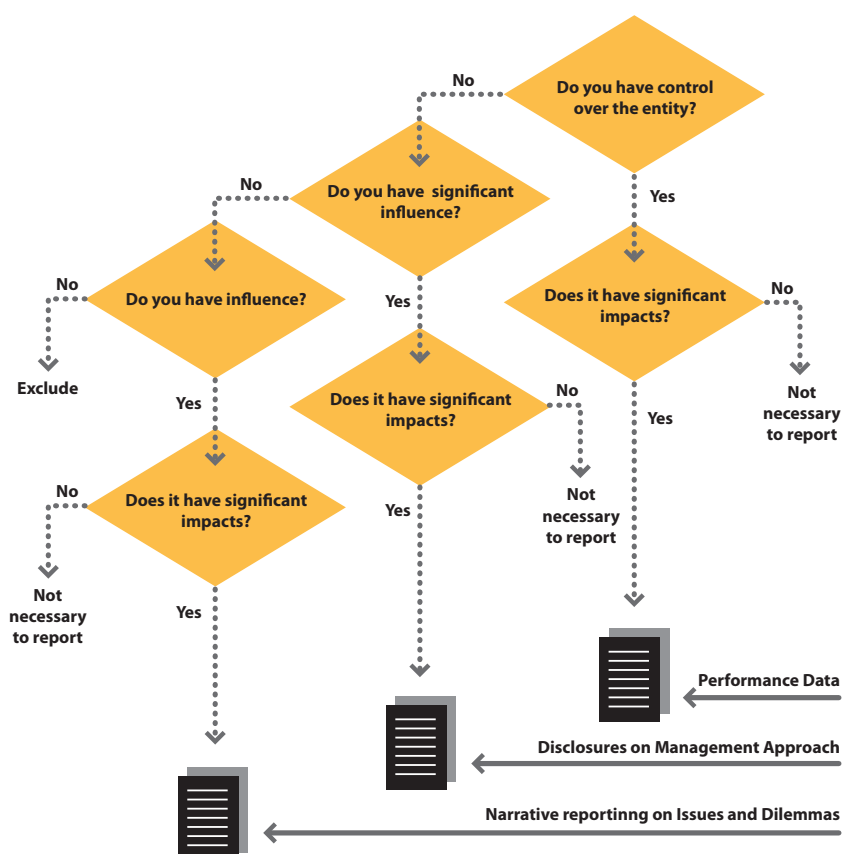


Figure 6: Decision Tree for Boundary Setting



- The boundaries for narrative disclosures should include entities over which the organization does not exercise control/significant influence, but which are associated with key challenges for the organization because their impacts are significant
- The report should cover all entities within its Report Boundary. In the process of preparing its report, an organization may choose not to gather data on a particular entity or group of entities within the defined boundary on the basis of efficiency as long as such a decision does not substantively change the final result of a Disclosure or Indicator.

Part 2: Standard Disclosures

This section specifies the base content that should appear in a sustainability report, subject to the guidance on determining content in Part 1 of the Guidelines.

There are three different types of disclosures contained in this section.

- **Strategy and Profile:** Disclosures that set the overall context for understanding organizational performance such as its strategy, profile, and governance.
- **Management Approach:** Disclosures that cover how an organization addresses a given set of topics in order to provide context for understanding performance in a specific area.
- **Performance Indicators:** Indicators that elicit comparable information on the economic, environmental, and social performance of the organization.

Reporting organizations are encouraged to follow this structure in compiling their reports, however, other formats may be chosen.

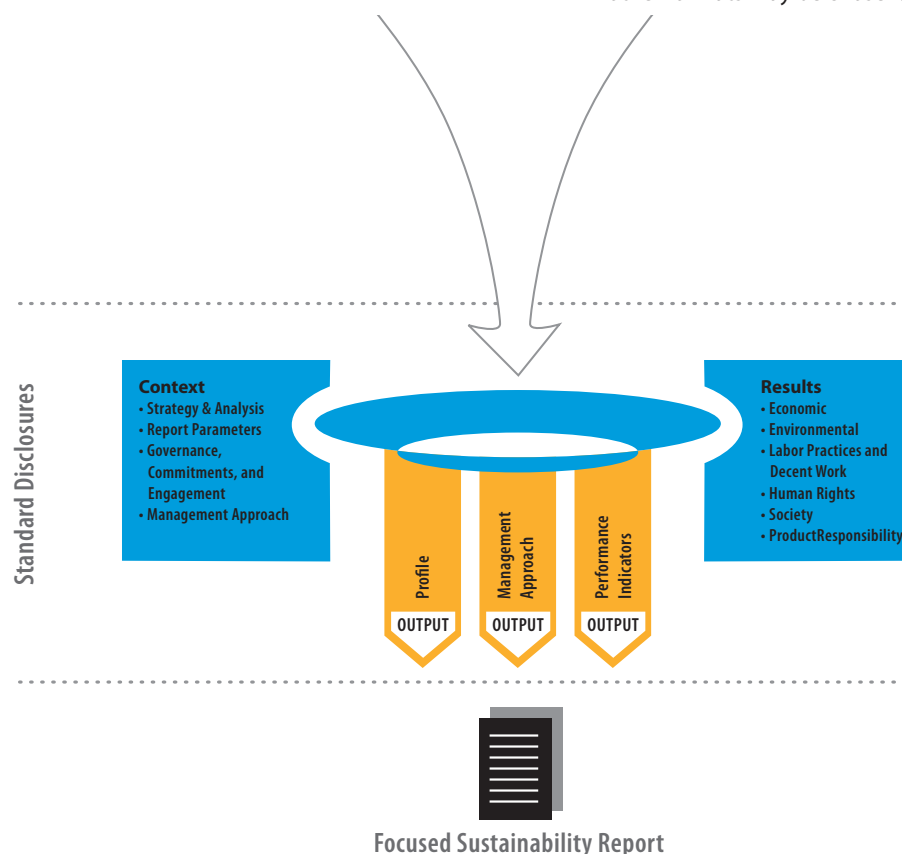


Figure 7: Overview of GRI Standard Disclosures



Profile

1. Strategy and Analysis

This section is intended to provide a high-level, strategic view of the organization's relationship to sustainability in order to provide context for subsequent and more detailed reporting against other sections of the Guidelines. It may draw on information provided in other parts of the report, but this section is intended to produce insight on strategic topics rather than simply summarize the contents of the report. The strategy and analysis should consist of the statement outlined in 1.1 and a concise narrative outlined in 1.2.

- 1.1** Statement from the most senior decision-maker of the organization (e.g., CEO, chair, or equivalent senior position) about the relevance of sustainability to the organization and its strategy.

The statement should present the overall vision and strategy for the short-term, medium-term (e.g., 3-5 years), and long-term, particularly with regard to managing the key challenges associated with economic, environmental, and social performance. The statement should include:

- Strategic priorities and key topics for the short/medium-term with regard to sustainability, including respect for internationally agreed standards and how they relate to long-term organizational strategy and success;
- Broader trends (e.g., macroeconomic or political) affecting the organization and influencing sustainability priorities;
- Key events, achievements, and failures during the reporting period;
- Views on performance with respect to targets;
- Outlook on the organization's main challenges and targets for the next year and goals for the coming 3-5 years; and
- Other items pertaining to the organization's strategic approach.

1.2 Description of key impacts, risks, and opportunities.

The reporting organization should provide two concise narrative sections on key impacts, risks, and opportunities.

Section One should focus on the organization's key impacts on sustainability and effects on stakeholders, including rights as defined by national laws and relevant internationally agreed standards. This should take into account the range of reasonable expectations and interests of the organization's stakeholders. This section should include:

- A description of the significant impacts the organization has on sustainability and associated challenges and opportunities. This includes the effect on stakeholders' rights as defined by national laws and the expectations in internationally-agreed standards and norms;
- An explanation of the approach to prioritizing these challenges and opportunities;
- Key conclusions about progress in addressing these topics and related performance in the reporting period. This includes an assessment of reasons for underperformance or over-performance; and
- A description of the main processes in place to address performance and/or relevant changes.

Section Two should focus on the impact of sustainability trends, risks, and opportunities on the long-term prospects and financial performance of the organization. This should concentrate specifically on information relevant to financial stakeholders or that could become so in the future. Section Two should include the following:

- A description of the most important risks and opportunities for the organization arising from sustainability trends;
- Prioritization of key sustainability topics as risks and opportunities according to their relevance for long-term organizational strategy, competitive position, qualitative, and (if possible) quantitative financial value drivers;



- Table(s) summarizing:
 - Targets, performance against targets, and lessons-learned for the current reporting period; and
 - Targets for the next reporting period and mid-term objectives and goals (i.e., 3-5 years) related to key risks and opportunities.
- Concise description of governance mechanisms in place to specifically manage these risks and opportunities, and identification of other related risks and opportunities.

In addition to the above, reporting organizations are encouraged to provide additional information, as appropriate, such as:

- Total assets;
- Beneficial ownership (including identity and percentage of ownership of largest shareholders); and
- Breakdowns by country/region of the following:
 - Sales/revenues by countries/regions that make up 5 percent or more of total revenues;
 - Costs by countries/regions that make up 5 percent or more of total revenues; and
 - Employees.

2. Organizational Profile

2.1 Name of the organization.

2.2 Primary brands, products, and/or services.

The reporting organization should indicate the nature of its role in providing these products and services, and the degree to which it utilizes outsourcing.

2.3 Operational structure of the organization, including main divisions, operating companies, subsidiaries, and joint ventures.

2.4 Location of organization's headquarters.

2.5 Number of countries where the organization operates, and names of countries with either major operations or that are specifically relevant to the sustainability issues covered in the report.

2.6 Nature of ownership and legal form.

2.7 Markets served (including geographic breakdown, sectors served, and types of customers/beneficiaries).

2.8 Scale of the reporting organization, including:

- Number of employees;
- Net sales (for private sector organizations) or net revenues (for public sector organizations);
- Total capitalization broken down in terms of debt and equity (for private sector organizations); and
- Quantity of products or services provided.

2.9 Significant changes during the reporting period regarding size, structure, or ownership including:

- The location of, or changes in operations, including facility openings, closings, and expansions; and
- Changes in the share capital structure and other capital formation, maintenance, and alteration operations (for private sector organizations).

2.10 Awards received in the reporting period.

3. Report Parameters

REPORT PROFILE

3.1 Reporting period (e.g., fiscal/calendar year) for information provided.

3.2 Date of most recent previous report (if any).

3.3 Reporting cycle (annual, biennial, etc.)

3.4 Contact point for questions regarding the report or its contents.

REPORT SCOPE AND BOUNDARY

3.5 Process for defining report content, including:

- Determining materiality;
- Prioritizing topics within the report; and



- Identifying stakeholders the organization expects to use the report.

Include an explanation of how the organization has applied the 'Guidance on Defining Report Content' and the associated Principles.

- 3.6** Boundary of the report (e.g., countries, divisions, subsidiaries, leased facilities, joint ventures, suppliers). See GRI Boundary Protocol for further guidance.

- 3.7** State any specific limitations on the scope or boundary of the report⁸.

If boundary and scope do not address the full range of material economic, environmental, and social impacts of the organization, state the strategy and projected timeline for providing complete coverage.

- 3.8** Basis for reporting on joint ventures, subsidiaries, leased facilities, outsourced operations, and other entities that can significantly affect comparability from period to period and/or between organizations.

- 3.9** Data measurement techniques and the bases of calculations, including assumptions and techniques underlying estimations applied to the compilation of the Indicators and other information in the report.

Explain any decisions not to apply, or to substantially diverge from, the GRI Indicator Protocols.

- 3.10** Explanation of the effect of any re-statements of information provided in earlier reports, and the reasons for such re-statement (e.g., mergers/acquisitions, change of base years/periods, nature of business, measurement methods).

- 3.11** Significant changes from previous reporting periods in the scope, boundary, or measurement methods applied in the report.

GRI CONTENT INDEX

- 3.12** Table identifying the location of the Standard Disclosures in the report.

Identify the page numbers or web links where the following can be found:

- Strategy and Analysis 1.1 – 1.2;
- Organizational Profile 2.1 – 2.10;

- Report Parameters 3.1 – 3.13;
- Governance, Commitments, and Engagement 4.1 – 4.17;
- Disclosure of Management Approach, per category;
- Core Performance Indicators;
- Any GRI Additional Indicators that were included; and
- Any GRI Sector Supplement Indicators included in the report.

ASSURANCE

- 3.13** Policy and current practice with regard to seeking external assurance for the report. If not included in the assurance report accompanying the sustainability report, explain the scope and basis of any external assurance provided. Also explain the relationship between the reporting organization and the assurance provider(s).

4. Governance, Commitments, and Engagement

GOVERNANCE

- 4.1** Governance structure of the organization, including committees under the highest governance body responsible for specific tasks, such as setting strategy or organizational oversight.

Describe the mandate and composition (including number of independent members and/or non-executive members) of such committees and indicate any direct responsibility for economic, social, and environmental performance.

- 4.2** Indicate whether the Chair of the highest governance body is also an executive officer (and, if so, their function within the organization's management and the reasons for this arrangement).

- 4.3** For organizations that have a unitary board structure, state the number of members of the highest governance body that are independent and/or non-executive members.

State how the organization defines 'independent' and 'non-executive'. This element applies only for organizations that have unitary board structures. See the glossary for a definition of 'independent'.

⁸ See completeness Principle for explanation of scope.



- 4.4** Mechanisms for shareholders and employees to provide recommendations or direction to the highest governance body.

Include reference to processes regarding:

- The use of shareholder resolutions or other mechanisms for enabling minority shareholders to express opinions to the highest governance body; and
- Informing and consulting employees about the working relationships with formal representation bodies such as organization level 'work councils,' and representation of employees in the highest governance body.

Identify topics related to economic, environmental, and social performance raised through these mechanisms during the reporting period.

- 4.5** Linkage between compensation for members of the highest governance body, senior managers, and executives (including departure arrangements), and the organization's performance (including social and environmental performance).

- 4.6** Processes in place for the highest governance body to ensure conflicts of interest are avoided.

- 4.7** Process for determining the qualifications and expertise of the members of the highest governance body for guiding the organization's strategy on economic, environmental, and social topics.

- 4.8** Internally developed statements of mission or values, codes of conduct, and principles relevant to economic, environmental, and social performance and the status of their implementation.

Explain the degree to which these:

- Are applied across the organization in different regions and department/units; and
- Relate to internationally agreed standards.

- 4.9** Procedures of the highest governance body for overseeing the organization's identification and management of economic, environmental, and social performance, including relevant risks and

opportunities, and adherence or compliance with internationally agreed standards, codes of conduct, and principles.

Include frequency with which the highest governance body assesses sustainability performance.

- 4.10** Processes for evaluating the highest governance body's own performance, particularly with respect to economic, environmental, and social performance.

COMMITMENTS TO EXTERNAL INITIATIVES

- 4.11** Explanation of whether and how the precautionary approach or principle is addressed by the organization.

Article 15 of the Rio Principles introduced the precautionary approach. A response to 4.11 could address the organization's approach to risk management in operational planning or the development and introduction of new products.

- 4.12** Externally developed economic, environmental, and social charters, principles, or other initiatives to which the organization subscribes or endorses.

Include date of adoption, countries/operations where applied, and the range of stakeholders involved in the development and governance of these initiatives (e.g., multi-stakeholder, etc.). Differentiate between non-binding, voluntary initiatives and those with which the organization has an obligation to comply.

- 4.13** Memberships in associations (such as industry associations) and/or national/international advocacy organizations in which the organization:

- Has positions in governance bodies;
- Participates in projects or committees;
- Provides substantive funding beyond routine membership dues; or
- Views membership as strategic.

This refers primarily to memberships maintained at the organizational level.



STAKEHOLDER ENGAGEMENT

The following Disclosure Items refer to general stakeholder engagement conducted by the organization over the course of the reporting period. These Disclosures are not limited to stakeholder engagement implemented for the purposes of preparing a sustainability report.

- 4.14** List of stakeholder groups engaged by the organization.

Examples of stakeholder groups are:

- Communities;
- Civil society;
- Customers;
- Shareholders and providers of capital;
- Suppliers; and
- Employees, other workers, and their trade unions.

- 4.15** Basis for identification and selection of stakeholders with whom to engage.

This includes the organization's process for defining its stakeholder groups, and for determining the groups with which to engage and not to engage.

- 4.16** Approaches to stakeholder engagement, including frequency of engagement by type and by stakeholder group.

This could include surveys, focus groups, community panels, corporate advisory panels, written communication, management/union structures, and other vehicles. The organization should indicate whether any of the engagement was undertaken specifically as part of the report preparation process.

- 4.17** Key topics and concerns that have been raised through stakeholder engagement, and how the organization has responded to those key topics and concerns, including through its reporting.

5. Management Approach and Performance Indicators

The section on sustainability Performance Indicators is organized by economic, environmental, and social categories. Social Indicators are further categorized by Labor, Human Rights, Society, and Product Responsibility. Each category includes a Disclosure on Management Approach ('Management Approach') and a corresponding set of Core and Additional Performance Indicators.

Core Indicators have been developed through GRI's multi-stakeholder processes, which are intended to identify generally applicable Indicators and are assumed to be material for most organizations. An organization should report on Core Indicators unless they are deemed not material on the basis of the GRI Reporting Principles. Additional Indicators represent emerging practice or address topics that may be material for some organizations, but are not material for others. Where final versions of Sector Supplements exist, the Indicators should be treated as Core Indicators. See Guidance on Defining Report Content for further details.

The Disclosure(s) on Management Approach should provide a brief overview of the organization's management approach to the Aspects defined under each Indicator Category in order to set the context for performance information. The organization can structure its Disclosure(s) on Management Approach to cover the full range of Aspects under a given Category or group its responses on the Aspects differently. However, the Disclosure should address all of the Aspects associated with each category regardless of the format or grouping.

Within the overall structure of the Standard Disclosures, Strategy and Profile items 1.1 and 1.2 in 'Strategy and Analysis' are intended to provide a concise overview of the risks and opportunities facing the organization as a whole. The Disclosure(s) on Management Approach is intended to address the next level of detail of the organization's approach to managing the sustainability topics associated with risks and opportunities.



In reporting on the Performance Indicators, the following guidance on data compilation applies:

- **Reporting on Trends:** Information should be presented for the current reporting period (e.g., one year) and at least two previous periods, as well as future targets, where they have been established, for the short- and medium-term.
- **Use of Protocols:** Organizations should use the Protocols that accompany the Indicators when reporting on the Indicators. These give basic guidance on interpreting and compiling information.
- **Presentation of Data:** In some cases, ratios or normalized data are useful and appropriate formats for data presentation. If ratios or normalized data are used, absolute data should also be provided.
- **Data aggregation:** Reporting organizations should determine the appropriate level of aggregation of information. See additional guidance in the General Reporting Notes section of the Guidelines.
- **Metrics:** Reported data should be presented using generally accepted international metrics (e.g., kilograms, tonnes, litres) and calculated using standard conversion factors. Where specific international conventions exist (e.g., GHG equivalents), these are typically specified in the Indicator Protocols.

Economic

The economic dimension of sustainability concerns the organization's impacts on the economic conditions of its stakeholders and on economic systems at local, national, and global levels. The Economic Indicators illustrate:

- Flow of capital among different stakeholders; and
- Main economic impacts of the organization throughout society.

Financial performance is fundamental to understanding an organization and its own sustainability. However, this information is normally already reported in financial accounts. What is often reported less, and is frequently desired by users of sustainability reports, is the organization's contribution to the sustainability of a larger economic system.

Disclosure on Management Approach

Provide a concise disclosure on the Management Approach items outlined below with reference to the following Economic Aspects:

- Economic Performance;
- Market Presence; and
- Indirect Economic Impacts.

GOALS AND PERFORMANCE

Organization-wide goals regarding performance relevant to the Economic Aspects.

Use organization-specific Indicators (as needed) in addition to the GRI Performance Indicators to demonstrate the results of performance against goals.

POLICY

Brief, organization-wide policy (or policies) that defines the organization's overall commitment relating to the Economic Aspects listed above, or state where this can be found in the public domain (e.g., web link).

ADDITIONAL CONTEXTUAL INFORMATION

Additional relevant information required to understand organizational performance, such as:

- Key successes and shortcomings;
- Major organizational risks and opportunities;



- Major changes in the reporting period to systems or structures to improve performance; and
- Key strategies for implementing policies or achieving performance.

Economic Performance Indicators

ASPECT: ECONOMIC PERFORMANCE

- | | |
|------|--|
| CORE | EC1 Direct economic value generated and distributed, including revenues, operating costs, employee compensation, donations and other community investments, retained earnings, and payments to capital providers and governments. |
| CORE | EC2 Financial implications and other risks and opportunities for the organization's activities due to climate change. |
| CORE | EC3 Coverage of the organization's defined benefit plan obligations. |
| CORE | EC4 Significant financial assistance received from government. |

ASPECT: MARKET PRESENCE

- | | |
|------|--|
| ADD | EC5 Range of ratios of standard entry level wage compared to local minimum wage at significant locations of operation. |
| CORE | EC6 Policy, practices, and proportion of spending on locally-based suppliers at significant locations of operation. |
| CORE | EC7 Procedures for local hiring and proportion of senior management hired from the local community at locations of significant operation. |

ASPECT: INDIRECT ECONOMIC IMPACTS

- | | |
|------|---|
| CORE | EC8 Development and impact of infrastructure investments and services provided primarily for public benefit through commercial, in-kind, or pro bono engagement. |
| ADD | EC9 Understanding and describing significant indirect economic impacts, including the extent of impacts. |



Environmental

The environmental dimension of sustainability concerns an organization's impacts on living and non-living natural systems, including ecosystems, land, air, and water. Environmental Indicators cover performance related to inputs (e.g., material, energy, water) and outputs (e.g., emissions, effluents, waste). In addition, they cover performance related to biodiversity, environmental compliance, and other relevant information such as environmental expenditure and the impacts of products and services.

Disclosure on Management Approach

Provide a concise disclosure on the Management Approach items outlined below with reference to the following Environmental Aspects:

- Materials;
- Energy;
- Water;
- Biodiversity;
- Emissions, Effluents, and Waste;
- Products and Services;
- Compliance;
- Transport; and
- Overall

GOALS AND PERFORMANCE

Organization-wide goals regarding performance relevant to the Environment Aspects.

Use organization-specific Indicators (as needed) in addition to the GRI Performance Indicators to demonstrate the results of performance against goals.

POLICY

Brief, organization-wide policy (or policies) that defines the organization's overall commitment related to the Environmental Aspects listed above or state where this can be found in the public domain (e.g., web link).

ORGANIZATIONAL RESPONSIBILITY

The most senior position with operational responsibility for Environmental Aspects or explain how operational responsibility is divided at the senior level for these Aspects. This differs from Disclosure 4.1, which focuses on structures at the governance level.

TRAINING AND AWARENESS

Procedures related to training and raising awareness in relation to the Environmental Aspects.

MONITORING AND FOLLOW-UP

Procedures related to monitoring and corrective and preventive actions, including those related to the supply chain.

List of certifications for environment-related performance or certification systems, or other approaches to auditing/verification for the reporting organization or its supply chain.

ADDITIONAL CONTEXTUAL INFORMATION

Additional relevant information required to understand organizational performance, such as:

- Key successes and shortcomings;
- Major organizational environmental risks and opportunities related to issues;
- Major changes in the reporting period to systems or structures to improve performance; and
- Key strategies and procedures for implementing policies or achieving goals.



Environmental Performance Indicators

ASPECT: MATERIALS

- CORE** **EN1** Materials used by weight or volume.
- CORE** **EN2** Percentage of materials used that are recycled input materials.

ASPECT: ENERGY

- CORE** **EN3** Direct energy consumption by primary energy source.
- CORE** **EN4** Indirect energy consumption by primary source.
- ADD** **EN5** Energy saved due to conservation and efficiency improvements.
- ADD** **EN6** Initiatives to provide energy-efficient or renewable energy based products and services, and reductions in energy requirements as a result of these initiatives.
- ADD** **EN7** Initiatives to reduce indirect energy consumption and reductions achieved.

ASPECT: WATER

- CORE** **EN8** Total water withdrawal by source.
- ADD** **EN9** Water sources significantly affected by withdrawal of water.
- ADD** **EN10** Percentage and total volume of water recycled and reused.

ASPECT: BIODIVERSITY

- CORE** **EN11** Location and size of land owned, leased, managed in, or adjacent to, protected areas and areas of high biodiversity value outside protected areas.
- CORE** **EN12** Description of significant impacts of activities, products, and services on biodiversity in protected areas and areas of high biodiversity value outside protected areas.
- ADD** **EN13** Habitats protected or restored.

- ADD** **EN14** Strategies, current actions, and future plans for managing impacts on biodiversity.
- ADD** **EN15** Number of IUCN Red List species and national conservation list species with habitats in areas affected by operations, by level of extinction risk.

ASPECT: EMISSIONS, EFFLUENTS, AND WASTE

- CORE** **EN16** Total direct and indirect greenhouse gas emissions by weight.
- CORE** **EN17** Other relevant indirect greenhouse gas emissions by weight.
- ADD** **EN18** Initiatives to reduce greenhouse gas emissions and reductions achieved.
- CORE** **EN19** Emissions of ozone-depleting substances by weight.
- CORE** **EN20** NO, SO, and other significant air emissions by type and weight.
- CORE** **EN21** Total water discharge by quality and destination.
- CORE** **EN22** Total weight of waste by type and disposal method.
- CORE** **EN23** Total number and volume of significant spills.
- ADD** **EN24** Weight of transported, imported, exported, or treated waste deemed hazardous under the terms of the Basel Convention Annex I, II, III, and VIII, and percentage of transported waste shipped internationally.
- ADD** **EN25** Identity, size, protected status, and biodiversity value of water bodies and related habitats significantly affected by the reporting organization's discharges of water and runoff.



ASPECT: PRODUCTS AND SERVICES

- CORE

EN26 Initiatives to mitigate environmental impacts of products and services, and extent of impact mitigation.
- CORE

EN27 Percentage of products sold and their packaging materials that are reclaimed by category.

ASPECT: COMPLIANCE

- CORE

EN28 Monetary value of significant fines and total number of non-monetary sanctions for non-compliance with environmental laws and regulations.

ASPECT: TRANSPORT

- ADD

EN29 Significant environmental impacts of transporting products and other goods and materials used for the organization's operations, and transporting members of the workforce.

ASPECT: OVERALL

- ADD

EN30 Total environmental protection expenditures and investments by type.

Social Performance Indicators

The social dimension of sustainability concerns the impacts an organization has on the social systems within which it operates.

The GRI Social Performance Indicators identify key Performance Aspects surrounding labor practices, human rights, society, and product responsibility.



Labor Practices and Decent Work

The specific Aspects under the category of Labor Practices are based on internationally recognized universal standards, including:

- United Nations Universal Declaration of Human Rights and its Protocols;
- United Nations Convention: International Covenant on Civil and Political Rights;
- United Nations Convention: International Covenant on Economic, Social, and Cultural Rights;
- ILO Declaration on Fundamental Principles and Rights at Work of 1998 (in particular the eight core conventions of the ILO); and
- The Vienna Declaration and Programme of Action.

The Labor Practices Indicators also draw upon the two instruments directly addressing the social responsibilities of business enterprises: the ILO Tripartite Declaration Concerning Multinational Enterprises and Social Policy, and the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.

Disclosure on Management Approach

Provide a concise disclosure on the following Management Approach items with reference to the Labor Aspects listed below. The ILO Tripartite Declaration Concerning Multinational Enterprises and Social Policy (in particular the eight core conventions of the ILO) and the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises, should be the primary reference points.

- Employment;
- Labor/Management Relations;
- Occupational Health and Safety;
- Training and Education; and
- Diversity and Equal Opportunity.

GOALS AND PERFORMANCE

Organization-wide goals regarding performance relevant to the Labor Aspects, indicating their linkage to the internationally recognized universal standards.

Use organization-specific Indicators (as needed) in addition to the GRI Performance Indicators to demonstrate the results of performance against goals.

POLICY

Brief, organization-wide policy (or policies) that defines the organization's overall commitment related to the Labor Aspects, or state where this can be found in the public domain (e.g., web link). Also reference their linkage to the international standards indicated above.

ORGANIZATIONAL RESPONSIBILITY

The most senior position with operational responsibility for Labor Aspects or explain how operational responsibility is divided at the senior level for these Aspects. This differs from Disclosure 4.1, which focuses on structures at the governance level.

TRAINING AND AWARENESS

Procedures related to training and raising awareness in relation to the Labor Aspects.

MONITORING AND FOLLOW-UP

Procedures related to monitoring and corrective and preventive actions, including those related to the supply chain.

List of certifications for labor-related performance or certification systems, or other approaches to auditing/verifying the reporting organization or its supply chain.

ADDITIONAL CONTEXTUAL INFORMATION

Additional relevant information required to understand organizational performance, such as:

- Key successes and shortcomings;
- Major organizational risks and opportunities;
- Major changes in the reporting period to systems or structures to improve performance; and
- Key strategies and procedures for implementing policies or achieving goals.



Labor Practices and Decent Work Performance Indicators

ASPECT: EMPLOYMENT

- LA1** Total workforce by employment type, employment contract, and region.
- LA2** Total number and rate of employee turnover by age group, gender, and region.
- LA3** Benefits provided to full-time employees that are not provided to temporary or part-time employees, by major operations.

ASPECT: LABOR/MANAGEMENT RELATIONS

- LA4** Percentage of employees covered by collective bargaining agreements.
- LA5** Minimum notice period(s) regarding operational changes, including whether it is specified in collective agreements.

ASPECT: OCCUPATIONAL HEALTH AND SAFETY

- LA6** Percentage of total workforce represented in formal joint management-worker health and safety committees that help monitor and advise on occupational health and safety programs.
- LA7** Rates of injury, occupational diseases, lost days, and absenteeism, and number of work-related fatalities by region.
- LA8** Education, training, counseling, prevention, and risk-control programs in place to assist workforce members, their families, or community members regarding serious diseases.
- LA9** Health and safety topics covered in formal agreements with trade unions.

ASPECT: TRAINING AND EDUCATION

- LA10** Average hours of training per year per employee by employee category.
- LA11** Programs for skills management and lifelong learning that support the continued employability of employees and assist them in managing career endings.
- LA12** Percentage of employees receiving regular performance and career development reviews.

ASPECT: DIVERSITY AND EQUAL OPPORTUNITY

- LA13** Composition of governance bodies and breakdown of employees per category according to gender, age group, minority group membership, and other indicators of diversity.
- LA14** Ratio of basic salary of men to women by employee category.



Human Rights

Human Rights Performance Indicators require organizations to report on the extent to which human rights are considered in investment and supplier/contractor selection practices. Additionally, the Indicators cover employee and security forces training on human rights as well as non-discrimination, freedom of association, child labor, indigenous rights, and forced and compulsory labor.

Generally recognized human rights are defined by the following Conventions and Declarations:

- United Nations Universal Declaration of Human Rights and its Protocols;
- United Nations Convention: International Covenant on Civil and Political Rights;
- United Nations Convention: International Covenant on Economic, Social, and Cultural Rights;
- ILO Declaration on Fundamental Principles and Rights at Work of 1998 (in particular the eight core conventions of the ILO); and
- The Vienna Declaration and Programme of Action.

Disclosure on Management Approach

Provide a concise disclosure on the following Management Approach items with reference to the Human Rights Aspects listed below. The ILO Tripartite Declaration Concerning Multinational Enterprises and Social Policy (in particular the eight core conventions of the ILO which consist of Conventions 100, 111, 87, 98, 138, 182, 20 and 105⁹), and the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises should be the primary reference points.

- Investment and Procurement Practices;
- Non-discrimination;
- Freedom of Association and Collective Bargaining;
- Abolition of Child Labor;
- Prevention of Forced and Compulsory Labor;
- Complaints and Grievance Practices;
- Security Practices; and
- Indigenous Rights.

⁹Conventions 100 and 111 pertain to non-discrimination; Conventions 87 and 98 pertain to freedom of association and collective bargaining; Conventions 138 and 182 pertain to the elimination of child labor; and Conventions 29 and 105 pertain to the prevention of forced and compulsory labor.

GOALS AND PERFORMANCE

Organization-wide goals regarding performance relevant to the Human Rights Aspects, indicating their linkage to the international declarations and standards listed above.

Use organization-specific Indicators (as needed) in addition to the GRI Performance Indicators to demonstrate the results of performance against goals.

POLICY

Brief, organization-wide policy (or policies) that defines the organization's overall commitment to the Human Rights Aspects (including policies which may be reasonably considered likely to affect the decision of employees to join a trade union or bargain collectively), or state where this can be found in the public domain (e.g., web link). Also reference their linkage to the international declarations and standards indicated above.

ORGANIZATIONAL RESPONSIBILITY

The most senior position with operational responsibility for Human Rights Aspects or explain how operational responsibility is divided at the senior level for these Aspects. This differs from Disclosure 4.1, which focuses on structures at the governance level.

TRAINING AND AWARENESS

Procedures related to training and raising awareness in relation to the Human Rights Aspects.

MONITORING AND FOLLOW-UP

Procedures related to monitoring and corrective and preventive actions, including those related to the supply chain.

List of certifications for human rights-related performance, or certification systems, or other approaches to auditing/verifying the reporting organization or its supply chain.

ADDITIONAL CONTEXTUAL INFORMATION

Additional relevant information required to understand organizational performance, such as:

- Key successes and shortcomings;
- Major organizational risks and opportunities;
- Major changes in the reporting period to systems or structures to improve performance; and
- Key strategies and procedures for implementing policies or achieving goals.



Human Rights Performance Indicators

ASPECT: INVESTMENT AND PROCUREMENT PRACTICES

CORE	HR1	Percentage and total number of significant investment agreements that include human rights clauses or that have undergone human rights screening.
	HR2	Percentage of significant suppliers and contractors that have undergone screening on human rights and actions taken.
ADD	HR3	Total hours of employee training on policies and procedures concerning aspects of human rights that are relevant to operations, including the percentage of employees trained.

ASPECT: NON-DISCRIMINATION

CORE	HR4	Total number of incidents of discrimination and actions taken.
------	------------	--

ASPECT: FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

CORE	HR5	Operations identified in which the right to exercise freedom of association and collective bargaining may be at significant risk, and actions taken to support these rights.
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ASPECT: CHILD LABOR

CORE	HR6	Operations identified as having significant risk for incidents of child labor, and measures taken to contribute to the elimination of child labor.
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ASPECT: FORCED AND COMPULSORY LABOR

CORE	HR7	Operations identified as having significant risk for incidents of forced or compulsory labor, and measures to contribute to the elimination of forced or compulsory labor.
------	------------	--

ASPECT: SECURITY PRACTICES

ADD	HR8	Percentage of security personnel trained in the organization's policies or procedures concerning aspects of human rights that are relevant to operations.
-----	------------	---

ASPECT: INDIGENOUS RIGHTS

ADD	HR9	Total number of incidents of violations involving rights of indigenous people and actions taken.
-----	------------	--

Society

Society Performance Indicators focus attention on the impacts organizations have on the communities in which they operate, and disclosing how the risks that may arise from interactions with other social institutions are managed and mediated. In particular, information is sought on the risks associated with bribery and corruption, undue influence in public policy-making, and monopoly practices.

Disclosure on Management Approach

Provide a concise disclosure on the following Management Approach items with reference to the Society Aspects:

- Community;
- Corruption;
- Public Policy;
- Anti-Competitive Behavior; and
- Compliance.

GOALS AND PERFORMANCE

Organization-wide goals regarding performance relevant to the Aspects indicated above.

Use organization-specific Indicators as needed in addition to the GRI Performance Indicators to demonstrate the results of performance against goals.

POLICY

Brief, organization-wide policy (or policies) that define the organization's overall commitment relating to the Society Aspects or state where this can be found in the public domain (e.g., web link).

ORGANIZATIONAL RESPONSIBILITY

The most senior position with operational responsibility for Society Aspects or explain how operational responsibility is divided at the senior level for these Aspects. This differs from Disclosure 4.1, which focuses on structures at the governance level.

TRAINING AND AWARENESS

Procedures related to training and raising awareness in relation to the Society Aspects.



MONITORING AND FOLLOW-UP

Procedures related to monitoring and corrective and preventive actions, including those related to the supply chain.

List of certifications for performance or certification systems, or other approaches to auditing/verifying the reporting organization or its supply chain.

ADDITIONAL CONTEXTUAL INFORMATION

Additional relevant information required to understand organizational performance, such as:

- Key successes and shortcomings;
- Major organizational risks and opportunities;
- Major changes in the reporting period to systems or structures to improve performance; and
- Key strategies and procedures for implementing policies or achieving goals.

Society Performance Indicators**ASPECT: COMMUNITY**

- | | |
|------|--|
| CORE | S01 Nature, scope, and effectiveness of any programs and practices that assess and manage the impacts of operations on communities, including entering, operating, and exiting. |
|------|--|

ASPECT: CORRUPTION

- | | |
|------|---|
| CORE | S02 Percentage and total number of business units analyzed for risks related to corruption. |
| CORE | S03 Percentage of employees trained in organization's anti-corruption policies and procedures. |
| CORE | S04 Actions taken in response to incidents of corruption. |

ASPECT: PUBLIC POLICY

- | | |
|------|---|
| CORE | S05 Public policy positions and participation in public policy development and lobbying. |
| ADD | S06 Total value of financial and in-kind contributions to political parties, politicians, and related institutions by country. |

ASPECT: ANTI-COMPETITIVE BEHAVIOR

- | | |
|-----|--|
| ADD | S07 Total number of legal actions for anti-competitive behavior, anti-trust, and monopoly practices and their outcomes. |
|-----|--|

ASPECT: COMPLIANCE

- | | |
|------|---|
| CORE | S08 Monetary value of significant fines and total number of non-monetary sanctions for non-compliance with laws and regulations. |
|------|---|



Product Responsibility

Product Responsibility Performance Indicators address the aspects of a reporting organization's products and services that directly affect customers, namely, health and safety, information and labeling, marketing, and privacy.

These aspects are chiefly covered through disclosure on internal procedures and the extent to which these procedures are not complied with.

Disclosure on Management Approach

Provide a concise disclosure on the following Management Approach items with reference to the Product Responsibility Aspects:

- Customer Health and Safety;
- Product and Service Labeling;
- Marketing Communications;
- Customer Privacy; and
- Compliance.

GOALS AND PERFORMANCE

Organization-wide goals regarding performance relevant to the Product Responsibility Aspects.

Use organization-specific Indicators (as needed) in addition to the GRI Performance Indicators to demonstrate the results of performance against goals.

POLICY

Brief, organization-wide policy (or policies) that defines the organization's overall commitment to the Product Responsibility Aspects, or state where this can be found in the public domain (e.g., web link).

ORGANIZATIONAL RESPONSIBILITY

The most senior position with operational responsibility for Product Responsibility Aspects, or explain how operational responsibility is divided at the senior level for Product Responsibility Aspects. This differs from Disclosure 4.1, which focuses on structures at the governance level.

TRAINING AND AWARENESS

Procedures related to training and raising awareness in relation to the Product Responsibility Aspects.

MONITORING AND FOLLOW-UP

Procedures related to monitoring and corrective and preventive actions, including those related to the supply chain.

List of certifications for product responsibility-related performance or certification systems, or other approaches to auditing/verifying the reporting organization or its supply chain.

ADDITIONAL CONTEXTUAL INFORMATION

Additional relevant information required to understand organizational performance, such as:

- Key successes and shortcomings;
- Major organizational risks and opportunities;
- Major changes in the reporting period to systems or structures to improve performance; and
- Key strategies and procedures for implementing policies or achieving goals.



Product Responsibility Performance Indicators

ASPECT: CUSTOMER HEALTH AND SAFETY

- | | |
|------|---|
| CORE | PR1 Life cycle stages in which health and safety impacts of products and services are assessed for improvement, and percentage of significant products and services categories subject to such procedures. |
| ADD | PR2 Total number of incidents of non-compliance with regulations and voluntary codes concerning health and safety impacts of products and services during their life cycle, by type of outcomes. |

ASPECT: PRODUCT AND SERVICE LABELING

- | | |
|------|---|
| CORE | PR3 Type of product and service information required by procedures, and percentage of significant products and services subject to such information requirements. |
| ADD | PR4 Total number of incidents of non-compliance with regulations and voluntary codes concerning product and service information and labeling, by type of outcomes. |
| ADD | PR5 Practices related to customer satisfaction, including results of surveys measuring customer satisfaction. |

ASPECT: MARKETING COMMUNICATIONS

- | | |
|------|---|
| CORE | PR6 Programs for adherence to laws, standards, and voluntary codes related to marketing communications, including advertising, promotion, and sponsorship. |
| ADD | PR7 Total number of incidents of non-compliance with regulations and voluntary codes concerning marketing communications, including advertising, promotion, and sponsorship by type of outcomes. |

ASPECT: CUSTOMER PRIVACY

- | | |
|-----|---|
| ADD | PR8 Total number of substantiated complaints regarding breaches of customer privacy and losses of customer data. |
|-----|---|

ASPECT: COMPLIANCE

- | | |
|------|--|
| CORE | PR9 Monetary value of significant fines for non-compliance with laws and regulations concerning the provision and use of products and services. |
|------|--|



General Reporting Notes

Data Gathering

FEASIBILITY ASSESSMENT

The process of defining report content will result in a set of topics and Indicators on which the organization should report. However, practical challenges such as the availability of data, the cost of gathering it, the confidentiality of information, privacy or other legal concerns, the reliability of available information, and other factors, may result in a legitimate decision not to disclose certain information. Where material information is omitted, the report should clearly indicate this and the reasons why.

DATA AGGREGATION AND DISAGGREGATION

Reporting organizations will need to determine the level of aggregation at which to present information. This requires balancing the effort required against the added meaningfulness of information reported on a disaggregated basis (e.g., country or site). Aggregation of information can result in the loss of a significant amount of meaning, and can also fail to highlight particularly strong or poor performance in specific areas. On the other hand, unnecessary disaggregation of data can affect the ease of understanding the information. Reporting organizations should disaggregate information to an appropriate level using the principles and the guidance in the reporting Indicators. Disaggregation may vary by Indicator, but will generally provide more insight than a single, aggregated figure.

Report Form and Frequency

DEFINITION OF A SUSTAINABILITY REPORT

A sustainability report refers to a single, consolidated disclosure that provides a reasonable and balanced presentation of performance over a fixed time period. Stakeholders should be able to directly access all of the report information from a single location, such as a GRI content index. Other publications should not be referenced as the information source for a GRI Standard Disclosure Item (ex., a Performance Indicator) unless the means for a stakeholder to directly access the information is provided (e.g., a link to a specific web page or the page number of the corresponding publication). There is no minimum length for a report using the GRI Framework as long as the organization has properly applied the Guidelines and Framework documents it has chosen to use.

MEDIUM OF REPORTING

Electronic (e.g., CD-ROM) or web-based reporting and paper reports are appropriate media for reporting. Organizations may choose to use a combination of web and paper-based reports or use only one medium. For example, an organization may choose to provide a detailed report on their website and provide an executive summary including their strategy and analysis and performance information in paper form. The choice will likely depend on the organization's decisions on its reporting period, its plans for updating content, the likely users of the report, and other practical factors such as its distribution strategy. At least one medium (web or paper) should provide users with access to the complete set of information for the reporting period.

FREQUENCY OF REPORTING

Organizations should define a consistent and periodic cycle for issuing a report. For many organizations, this will be an annual cycle, although some organizations choose to report biannually. An organization may choose to update information on a regular basis between the issuing of consolidated accounts of performance. This has advantages in terms of providing stakeholders with more immediate access to information, but has disadvantages in terms of comparability of information. However, organizations should still maintain a predictable cycle in which all of the information that is reported covers a specific time period.

Reporting on economic, environmental, and social performance could coincide or be integrated with other organizational reporting, such as annual financial statements. Coordinated timing will reinforce the linkages between financial performance and economic, environmental, and social performance.



UPDATING REPORT CONTENT

When preparing a new report, an organization may identify areas of information that have not changed since the prior report (e.g., a policy that has not been amended). The organization may choose to only update the topics and Indicators that have changed and to re-publish the Disclosures that have not changed. For example, an organization may choose to reproduce the information on policies that have not changed and only update its Performance Indicators. The flexibility to take such an approach will depend in large part on the organization's choice of reporting medium. Topics such as strategy and analysis and Performance Indicators are likely to show changes each reporting period, while other topics such as organizational profile or governance may change at a slower pace. Regardless of the strategy used, the full set of applicable information for the reporting period should be accessible in a single location (either a paper or web-based document).

Assurance

CHOICES ON ASSURANCE

Organizations use a variety of approaches to enhance the credibility of their reports. Organizations may have systems of internal controls in place, including internal audit functions, as part of their processes for managing and reporting information. These internal systems are important to the overall integrity and credibility of a report. However, GRI recommends the use of external assurance for sustainability reports in addition to any internal resources.

A variety of approaches are currently used by report preparers to implement external assurance, including the use of professional assurance providers, stakeholder panels, and other external groups or individuals. However, regardless of the specific approach, it should be conducted by competent groups or individuals external to the organization. These engagements may employ groups or individuals that follow professional standards for assurance, or they may involve approaches that follow systematic, documented, and evidence-based processes but are not governed by a specific standard.

GRI uses the term 'external assurance' to refer to activities designed to result in published conclusions on the quality of the report and the information contained within it. This includes, but is not limited to, consideration of underlying processes for preparing this information. This is different from activities designed to assess or validate the quality or level of performance of an organization, such as issuing performance certifications or compliance assessments.

Overall, the key qualities for external assurance of reports using the GRI Reporting Framework are that it:

- Is conducted by groups or individuals external to the organization who are demonstrably competent in both the subject matter and assurance practices;
- Is implemented in a manner that is systematic, documented, evidence-based, and characterized by defined procedures;
- Assesses whether the report provides a reasonable and balanced presentation of performance, taking into consideration the veracity of data in a report as well as the overall selection of content;
- Utilizes groups or individuals to conduct the assurance who are not unduly limited by their relationship with the organization or its stakeholders to reach and publish an independent and impartial conclusion on the report;
- Assesses the extent to which the report preparer has applied the GRI Reporting Framework (including the Reporting Principles) in the course of reaching its conclusions; and
- Results in an opinion or set of conclusions that is publicly available in written form, and a statement from the assurance provider on their relationship to the report preparer.

As indicated in Profile Disclosure 3.13, organizations should disclose information on their approach to external assurance.



Glossary of Terms

Additional Indicators

Additional Indicators are those Indicators identified in the GRI Guidelines that represent emerging practice or address topics that may be material to some organizations but not generally for a majority.

Boundary

The boundary for a sustainability report refers to the range of entities whose performance is covered in the organization's sustainability report.

Content Index

A GRI content index is a table or matrix that lists all of the Standard Disclosures, and where responses to the Disclosures can be found (page number or URL). Reporting organizations can also add reference to organization-specific (non-GRI Guidelines) Indicators. The Content Index provides users with a quick overview of what has been reported and increases ease of report use. A Content Index is especially important if some of the Disclosures appear in other reports, such as a financial report or previous sustainability reports.

Core Indicator

Core Indicators are those Indicators identified in the GRI Guidelines to be of interest to most stakeholders and assumed to be material unless deemed otherwise on the basis of the GRI Reporting Principles.

Downstream

The term 'downstream entities' is based on the concept of a production chain that extends from the extraction of raw materials to the use of a good or service by an end-user. 'Downstream' refers to those organizations that play a role in the distribution or use of goods and services provided by the reporting organization, or, more generally, play a role in a later step in the production chain than the organization itself.

Global Reporting Initiative

GRI's vision is that reporting on economic, environmental, and social performance by all organizations is as routine and comparable as financial reporting. GRI accomplishes this vision by developing, continuously improving and building capacity around the use of the GRI's Sustainability Reporting Framework. All Reporting Framework components are developed using a global, multi-stakeholder consensus seeking approach.

GRI Reporting Framework

The GRI Reporting Framework is intended to provide a generally accepted framework for reporting on an organization's economic, environmental, and social performance. The Framework consists of the Sustainability Reporting Guidelines, the Indicator Protocols, Technical Protocols, and the Sector Supplements.

Independent Board Member

Definitions for 'independent' can vary between legal jurisdictions. Independent usually implies that the member has no financial interest in the organization or other potential benefits that could create a conflict of interest. Organizations using the Guidelines should state the definition used for 'independent'.

Indicator Categories

Broad areas or groupings of sustainability topics. The categories included in the GRI Guidelines are: economic, environmental, and social. The social grouping is categorized in terms of Labor Practices, Human Rights, Society, and Product Responsibility. A given category may have several Indicator Aspects.

Indicator Aspects

The general types of information that are related to a specific Indicator category (e.g., energy use, child labor, customers).

Performance Indicator

Qualitative or quantitative information about results or outcomes associated with the organization that is comparable and demonstrates change over time.

Profile Disclosures

The numbered information requirements in Part 2 of the Guidelines that set the overall context for reporting and understanding organizational performance (e.g., 2.1, 3.13).

Reporting Principle

Concepts that describe the outcomes a report should achieve and that guide decisions made throughout the reporting process, such as which Indicators to respond to, and how to respond to them.

Sector Supplement

Sector Supplements complement the Guidelines with interpretations and guidance on how to apply the Guidelines in a given sector, and include sector-specific Performance Indicators. Applicable Sector Supplements should be used in addition to the Guidelines rather than in place of the Guidelines.



Stakeholder

Stakeholders are defined broadly as those groups or individuals: (a) that can reasonably be expected to be significantly affected by the organization's activities, products, and/or services; or (b) whose actions can reasonably be expected to affect the ability of the organization to successfully implement its strategies and achieve its objectives.

Standard Disclosures

The Guidelines present topics and information for reporting that are material to most organizations and of interest to most stakeholders. These are captured in three types of Standard Disclosures:

- Strategy and Profile Disclosures set the overall context for reporting and for understanding organizational performance, such as its strategy, profile, governance, and management approach;
- Disclosures on Management Approach cover how an organization addresses a given set of topics in order to provide context for understanding performance in a specific area.
- Performance Indicators that elicit comparable information on the economic, environmental, and social performance of the organization

Sustainability Report

Sustainability reporting is the practice of measuring, disclosing, and being accountable for organizational performance while working towards the goal of sustainable development. A sustainability report provides a balanced and reasonable representation of the sustainability performance of the reporting organization, including both positive and negative contributions.

Indicator Protocol

An Indicator Protocol provides definitions, compilation guidance, and other information to assist report preparers, and to ensure consistency in the interpretation of the Performance Indicators. An Indicator Protocol exists for each of the Performance Indicators contained in the Guidelines.

Unitary Board

Refers to a board structure that has only one governing body responsible for the organization.

Upstream

The term 'upstream entities' is based on the concept of a production chain that extends from the extraction of raw materials to the use of a good or service by an end-user. 'Upstream' refers to those organizations that play a role in the supply chain of the reporting organization or, more generally, play a role in an earlier step in the production chain than the organization itself.

For definitions of words or concepts contained directly in the wording of the Indicators, see the Indicator Protocols.



G3 Guidelines Acknowledgements: A Global Effort

The following organizations provided funds or in-kind contributions for the G3 development process

G3 Consortium:



G3 ad hoc support:

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G3 printed by:



Paper by:



G3 Guidelines and Protocols Content Development

Volunteers from business, non-governmental organizations, labor, accountancy, investment, academia, and others came together and create all aspects of the G3 Guidelines and Protocols. The following multi-stakeholder technical working groups were convened between January and November 2005, and each delivered a different part of the content of the G3 Guidelines.

Indicators Working Group (IWG) Members

The Indicators Working Group was responsible for reviewing the indicators set as a whole; ensuring quality and consistency of the indicators' design; and designing overall fit with the TAC guidance.

- Mr. Neil Anderson, Union Network International, UNI
- Mr. David Bent, Forum for the Future
- Mr. William R. Blackburn, William Blackburn Consulting
- Ms. Julie-Anne Braithwaite, Rio Tinto/ICMM
- Ms. Sarah Forrest, Goldman Sachs International
- Ms. Somporn Kamolsiripichaiporn, Chulalongkorn University
- Mr. Robert Langford, The Federation des Experts Comptables Europeens (FEE)
- Ms. Stephanie Maier, Ethical Investment Research Service (EIRIS)
- Ms. Asako Nagai, Sony Corporation
- Mr. Ron Nielsen, Alcan Inc.
- Mr. Michael Rae, World Wide Fund Australia
- Ms. Ulla Rehell, Kesko Corporation
- Mr. George Nagle, Bristol-Myers Squibb
- Ms. Filippa Bergin, Amnesty International
- Ms. Giuliana Ortega Bruno, Ethos Institute

The IWG worked with six issue-specific Advisory Groups that were responsible for reviewing indicators and creating technical protocols for indicators in their area of expertise.

Society Advisory Group Members

- Ms. Anne Gambling, Holcim
- Mr. Sachin Joshi, Center For Social Markets (CSM)
- Mr. Craig Metrick, Investor Responsibility Research Center (IRRC)
- Mr. Keith Miller, 3M
- Ms. Ruth Rosenbaum, Center for Reflection, Education and Action (CREA)



- Ms. Glauca Terreo, Instituto Ethos
- Mr. Peter Wilkinson, Transparency International

Human Rights Advisory Group Members

- Ms. Marina d'Engelbronner, Humanist Committee on Human Rights (HOM)
- Ms. Bethany Heath, Chiquita Brands
- Mr. Jorge Daniel Taillant, The Center for Human Rights and Environement (CEDHA)
- Rev. Mr. David M. Schilling, Interfaith Center on Corporate Responsibility
- Ms. Susan Todd, Solstice Sustainability Works Inc.
- Mr. Hirose Chuichiro, Canon
- Mr. Steve Ouma, Kenyan Human Rights Commission
- Mr. Björn Edlund, ABB Ltd.
- Ms. Marleen van Ruijven, Amnesty International

Environment (Biodiversity and Water) Advisory Group

- Mr. Ian Blythe, Boots Group PLC
- Mr. Ian Dutton, The Nature Conservancy
- Ms. Annelisa Grigg, Fauna & Flora International
- Ms. Nancy Kamp-Roelands, Ernst & Young Netherlands/ Royal NIVRA
- Ms. Erin Musk, City West Water
- Mr. Mike Rose, SASOL
- Mr. Fernando Toledo, Codelco

Environment (Pollution) Advisory Group Members

- Ms. Tanja D. Carroll, Coalition for Environmentally Responsible Economies (CERES)
- Mr. Yutaka Okayama, Toyota Motor Corporation
- Ms. Maria Fatima Reyes, Philippine Institute of Certified Public Accountants (PICPA)
- Mr. Yogendra Kumar Saxena, Gujarat Ambuja Cements
- Mr. David Stangis, Intel Corporation
- Ms. Sonia Valdivia, The Catholic University of Peru
- Mr. Eric Shostal, Institutional Shareholder Services

- Ms. Lucian Turk, Dell, Inc.

Labor Advisory Group Members

- Ms. Michiko Arikawa, Matsushita Electric Industrial (Panasonic)
- Mr. Stephen Frost, Southeast Asia Research Centre
- Ms. Kyoko Sakuma, Sustainability Analysis & Consulting
- Mr. Sean Ansett, Gap Inc.
- Ms. Deborah Evans, Lloyd's Register of Quality Assurance (LRQA)
- Mr. Pierre Mazeau, Electricité de France (EDF)
- Mr. Dan Viederman, Verité

Economic Advisory Group Members

- Ms. Christine Jasch, Institute for Environmental Management and Economics (IOEW)
- Mr. Martin Tanner, Novartis International AG
- Ms. Helen Campbell, former AccountAbility
- Mr. Eric Israel, KPMG LLP
- Ms. Martina Japy, BMJ CoreRatings
- Ms. Michelle Smith, Rohm and Haas
- Ms. Lisa Acree, Business for Social Responsibility
- Mr. Johan Verburg, NOVIB/Oxfam Netherlands

Reporting as a Process Working Group (RPWG) Members

The Reporting as a Process Working Group was tasked with updating and further developing the reporting principles, and other guidance on the process of applying the G3 Guidelines.

- Ms. Amy Anderson, Starbucks Coffee
- Mr. Pankaj Bhatia, World Resources Institute (WRI)
- Mr. Bill Boyle, BP
- Dr. Uwe Brekau, Bayer AG
- Ms. Debra Hall, Coalition for Environmentally Responsible Economies (CERES)
- Mr. Dunstan Hope, Business for Social Responsibility



- Dr. Aqueel Khan, Association for Stimulating Know How (ASK)
- Ms. Judy Kuszewski, SustainAbility Ltd.
- Mr Brian Kohler, Communications, Energy & Paperworkers Union of Canada
- Mr Ken Larson, Hewlett Packard
- Mr. Steve Lippman, Trillium Invest
- Mr Luis Perera, PriceWaterHouseCoopers
- Mr. Dante Pesce, Vincular, Pontificia Universidad Católica de Valparaíso
- Ms Mizue Unno, So-Tech Consulting, Inc.
- Mr Cornis van der Lugt, UNEP Division of Technology, Industry, and Economics (DTIE)
- Mr. Robert Walker, The Ethical Funds Company
- Mr. Ian Whitehouse, Manaaki Whenua Landcare Research
- Mr Alan Willis, Alan Willis & Associates
- Although not a member of the group, Jennifer Iansen-Rogers, KPMG, The Netherlands, provided ongoing advice on process matters.

Public comments

270 submissions were received in response to its call for comments on the draft G3 Guidelines between January and March 2006. These comments significantly shaped the final G3 Guidelines.

GRI Governance Bodies

For full information on governance bodies, including members and roles, see www.globalreporting.org.

Technical Advisory Committee: This group of 12 experts assists in maintaining the overall quality and coherence of the GRI Reporting Framework by providing high level technical advice and expertise. Their key function in the G3 process was to recommend direction on the overall architecture, resolve key issues that emerged specifically around Guidelines content; ensure they were created under sound due process; submit a concur/non-concur recommendation to the Board on whether to approve the G3 version for release. The members passed a majority concur vote.

Stakeholder Council: This group of 48 form the formal stakeholder policy forum within the GRI governance

structure. The Council advises the Board on policy and strategy issues and helped set the overall path for the G3 development process. Some individual SC members participated in the G3 working groups directly. The Council passed a majority concur vote on the release of the G3 Guidelines.

Board of Directors: This group of 16 has the ultimate fiduciary, financial and legal responsibility for the GRI, including final decision making authority on GRI Guidelines revisions, organizational strategy, and work plans. After providing guidance and direction throughout the G3 process, receiving recommendations from the TAC and SC, the Board voted unanimously to approve the G3 Guidelines for release.

GRI Secretariat: Under the leadership of the Chief Executive, the Secretariat implements the Guidelines and technical work plan approved by the GRI Board of Directors. It also manages communications, outreach, stakeholder relations, and financial administration. The Secretariat supports the operations of the Board of Directors, Stakeholder Council and Technical Advisory Committee.

Consultants

The GRI secretariat enlisted the (paid) help of the following consultants during the G3 process:

- csrnetwork (Lead consultant – Mark Line)
- Just Solutions (Lead consultant – Vic Thorpe)
- onValues (Lead consultant - Ivo Knoepfel)
- Ove Arup (Lead consultant - Jean Rogers)
- Responsibility Matters (Lead consultant – Mark Brownlie)
- Sandra Pederson, Editor
- Source-Asia (Lead consultant – Paul Wenman)
- Triple Innova (Lead consultant - Michael Kundt)
- University of Amsterdam (Lead consultant - Jeffrey Harrod)



Legal Liability

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Corporate Services Committee Meeting - Monday 4 September 2006

**06CORP037 Tingira Heights (Jacana Close) – Proposed
Reclassification of Council-owned Land**

Folder No: F2004/11798

Report By: Property Officer - Therese Hockings - Ext. 1239

PRÉCIS:

Council resolved at its meeting of 23 January 2006 to give notice of its intention to consider reclassification of the subject land from Operational land to Community land. The public notice period was completed on 10 March 2006. There were no objections to the reclassification. Council's approval is now required to reclassify the land.

RECOMMENDATION:

The Council-owned land known as Lot 27 Section F in DP 2422, 3 Jacana Close, Tingira Heights illustrated in Appendix A, is reclassified to Community Land under the provisions of the Local Government Act 1993.

BACKGROUND:

The subject land known as 3 Jacana Close, Tingira Heights and comprising Lot 27 Section F DP 2422, is illustrated by hatching on the diagram in the appendix.

It appears that Council acquired the land in 1967 as evidenced by an extract from a Council report in 1961 as follows: *"Lots 2, 3 27 and 28 of the original subdivision are not owned by the subdivider and the shire is to resume these four lots and transfer them to the subdivider. The subdivider will pay all costs involved, including legal costs and compensation paid to the present owners."* No information can be retrieved which indicates why the latter part of the action proposed by Council (i.e. transfer of ownership to the subdivider) did not proceed.

(It should be noted that Council recently sold Lots 2 and 3, following amalgamation with closed roads and adjoining land and re-subdivision).

The land (Lot 27 Section F DP 2422) is zoned residential 2(1) under the 2004 LEP. During investigation into the possible sale of the land, it was found that the land was steeply sloping and contained a stand of native trees, a number of which would need to be removed, for development to occur.

Council subsequently resolved on 23 January 2006 as follows:

"The placement of a public notice in the Newcastle Herald, of Council's intention to consider a resolution to reclassify the land known as 3 Jacana Close, Tingira Heights, shown by hatching on the diagram in the appendix, from Operational Land to Community Land in accordance with the provisions of the Local Government Act 1993, is authorised."

Advertisement of Council's intent was inserted in the edition of the Newcastle Herald of the 11 February 2006. At the conclusion of the advertising period (10 March 2006) no submissions had been received.

PROPOSAL:

That the Council-owned land known as 3 Jacana Close, Tingira Heights be reclassified to Community Land, as recommended.

CONSULTATION:

Council's Community Planning Department, Environmental Planning Department, Development Assessment & Compliance Department, and Asset Management Department have been consulted and no objections were received. Council's Manager Property Services has also been consulted and has no objections to the proposal.

IMPLICATIONS:

Policy Implications:

The action proposed complies with the provisions of the Local Government Act 1993 and is not outside any Council policy.

Environmental Implications:

A community classification on the land will allow for better control of the physical environmental features of the land.

Social Implications:

A community classification will preserve the land available for general community use. The land already shows evidence of community use.

Financial Implications:

As Council's Environmental Planning Department has confirmed that the trees on the site may provide habitat for squirrel gliders and the land is currently used as access to the adjoining public reserve, the land is not suitable for disposal and therefore there are no financial implications.

Risk and Insurance Implications:

There are no risk or insurance implications.

OPTIONS:

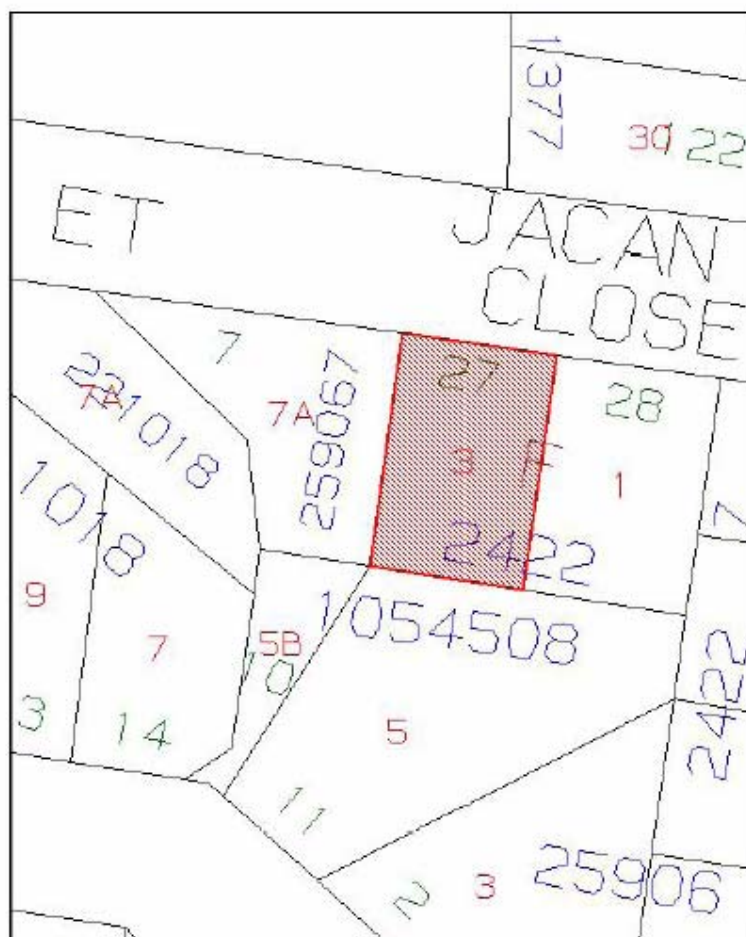
1. To proceed to reclassify the land to Community Land. This option is in accordance with the previous council resolution.
2. The land to remain as Operational Land. This option is not favoured as Council's Environmental Planning and Community Planning Departments have advised that the land has environmental value and would serve the community better if reclassified to Community Land.

CONCLUSION:

As the land known as 3 Jacana Close, Tingira Heights has problems for sale due to the environmental value of the land, it is appropriate in the circumstances to reclassify the land to Community Land.

MANAGER FINANCE & ADMINISTRATION - Ross Gilshenan

Appendix A Diagram showing area proposed to be reclassified – page 1
B Aerial Photograph of subject area – page 1.



LAKE MACQUARIE CITY COUNCIL
3 Jacana Close, Tingira Heights
Copyright Lake Macquarie City Council and
Land and Property Information NSW

SCALE 1:500
METERS





LAKE MACQUARIE CITY COUNCIL
3 Jacana Close, Tingira Heights
Copyright Lake Macquarie City Council and
Land and Property Information NSW

SCALE 1:1000
0 5 10 METRES



TREE PRESERVATION ORDER REVIEW

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the status of the Tree Preservation Order (TPO) Review, following the public exhibition of the draft Order, and guidelines for tree assessment and tree replenishment and to make recommendations concerning the finalisation of the draft order.

BACKGROUND:

As previously reported to Council a community consultation programme was undertaken involving focus groups of industry representatives, community action groups and general community representatives; and a substantial electronic resident survey. A draft order and guidelines was subsequently completed. The public exhibition of the draft order has now been completed. No submissions were received.

COMMENTS:

In order to finalise the review of the TPO order following exhibition Council now needs to consider the endorsement of the draft order, tree assessment and replenishment guidelines. The TPO will then be advertised in the Government Gazette.

RECOMMENDATION:

That Council endorse the draft order and tree assessment and replenishment guidelines as outlined in this report.

PURPOSE OF REPORT

To advise Council of the status of the Tree Preservation Order (TPO) Review, following the public exhibition of the draft Order, and guidelines for tree assessment and tree replenishment and to make recommendations concerning the finalisation of the draft order.

BACKGROUND

On 17 December 2002, Council resolved to establish a Steering Committee to oversee the process for the review of Council Tree Preservation Order.

A Tree Preservation Order Review Working Party was duly established, consisting of interested Councillors, community representatives, industry representatives and council staff. The initial meeting of the Committee was held on Wednesday 19 March 2003, with six subsequent meetings held, up to March 2004. These meetings raised and discussed numerous issues associated with the Tree Preservation Order review process and desired outcomes.

A report was provided to Council in February 2005 which provided an overview of the issues considered by the working party, and made recommendations to progress the review.

The report considered that it was critical for the progression of the review that opportunities be provided for significant public input into the review and for Council to seek an understanding of the various views held by the community.

Therefore it was considered that broad based community feedback be sought which reflects the diversity of opinions in the community in relation to the TPO and provides some guidance in relation to the key issues for consideration.

Community consultation was subsequently undertaken in 2005 by way of three separate workshops with representatives from community groups, general community representatives and industry representatives.

An extensive electronic resident reference group survey was also undertaken. A presentation of the consultation results and summary discussion paper was presented to Planning Committee meeting of 9 November 2005. A summary paper together with draft tree assessment and tree replenishment guidelines were distributed to Councillors in attendance at this meeting for comment, and subsequently distributed to all other Councillors.

Council subsequently at its meeting of 7 February 2006 resolved that the draft Order be exhibited, and this was undertaken during April – May 2006. The draft TPO and tree assessment guidelines were exhibited from April 21 to May 19 2006.

COMMENTS

A number of themes and issues emerged during the review and consultation process. Comments and analysis of the major themes and issues are discussed under the following relevant headings.

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28 November 2006

Support for TPO

There was a strong level of support for the TPO in general across all consultation groups. Trees were acknowledged as important both environmentally and aesthetically, and tree protection was seen as important, as was tree replenishment. There was a high level of concern regarding the loss of vegetation in Ku-ring-gai, with the role of development in this regard having primacy.

It was apparent in regard to vegetation loss, that there was some confusion concerning the role of tree preservation orders, and the relationship between such orders and the development process. There was a degree of expectation that the TPO could or should be a means to prohibit or curtail development applications which may result in substantial tree removal.

Tree preservation orders prohibit certain works to trees protected under a TPO, unless those works are otherwise approved by Council.

This process is not related to the Development Application process, where the overall merit of the development, including the implications for vegetation, is considered in terms of the overall application.

Nonetheless the Order does provide general protection for trees that are to be retained on development sites, as do specific conditions of development consent.

TPO Scope

There was some discussion during the working party meetings concerning the scope of the TPO. Discussion centred on whether it should be expanded to protect all types of vegetation; particularly remnant vegetation as well as significant exotic vegetation, not just trees.

It was concluded that, while such an aim was worthy, the resources required to administer such a wide ranging order and the difficulty of defining what vegetation would be subject to Council approval precluded this course at present. Further, it was recognised that native vegetation and endangered communities were already subject to various State Government legislative provisions.

Flexibility

There was strong feedback from the resident survey concerning a lack of flexibility of the TPO, or at least in the way it is applied by Council. This was particularly relevant where “dangerous trees” were concerned.

This feedback is not considered surprising as tree issues do polarise opinions and the issue of hazard, concern and apprehension about trees is a constant factor in a majority of applications for removal of large trees.

Council’s assessment of trees focuses firstly on establishing whether there are structural or health problems and therefore if a tree is likely to be hazardous. Where trees are considered healthy, stable and not hazardous then such applications are normally refused. Where Council’s Tree Management Officers assess trees as being “dangerous”, then tree removal would be approved.

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Orders by their very nature need to be very clear in relation to their provisions. The ability to provide a degree of flexibility in relation to the implementation of such an order is best dealt with by way of guidelines for the implementation of the order.

Guidelines for Tree assessment (attachment 3) have been developed as part of the TPO review. The guidelines provide a degree of clarity in relation to tree assessment issues, documenting reasons which may validly be considered for tree works and situations not considered of significance in this regard.

Guidelines have also been developed in regard to tree replenishment, (attachment 4) allowing for greater diversity of considerations concerning options in regard to replacement considerations, and a more focussed and strategic approach concerning replenishment in particular situations and areas.

These guidelines are internal operational documents and are not part of the formal Tree Preservation Order.

Complexity

Feedback in regard to improvements to the order included a concern that the order is complex, and that it should be kept as simple as possible. The order currently identifies vegetation which it protects, and vegetation in situations which are exemptions to the order.

The order currently is relatively simple in content but is not presented in an easily followed or understood format. The order also lacks basic definitions, for example what is a tree under the order.

The ease of interpretation has been considerably improved by a reorganisation into a more logical format with information grouped under headings in a “frequently asked questions” format.

Promotion / Education

There was strong support for more community education concerning the value of trees, information on aspects of tree maintenance, planting and tree related promotions.

Feedback included the need to more actively promote the value of trees to new residents, and at the grassroots level of schools.

Council does currently undertake general environmental educational works concerning trees, eg National Tree Day plantings with schools, Arbour Day, the tree nurturer’s program, and is therefore actively involved in tree promotion.

Council also has information on trees and bushland on its website as well as specific frequently asked questions concerning the current TPO.

It is considered that more information on the benefits of trees, tree management and maintenance, and planting, whether included on Council’s website and /or as stand alone information would certainly be of benefit.

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It is intended that the guidelines documents as well as the TPO and other relevant information be provided on the website.

Definition of a Tree under the Order

Currently the TPO does not define a tree for the purposes of the order, only defining a height 5m and canopy spread which is 4m. Better definitions and clarity of guidelines was identified as an issue in general and in particular by the arborist group.

The need for a clear definition of a tree was emphasised in the consultation by the arborist group, and has also been a consideration throughout the TPO review process in general.

There was strong support in the resident survey for the height of a tree under the Order to be dependent on species, although this was not a major theme within the other consultation groups.

While it is possible to vary the height definition from tree species or type to type, this would be a complicated set of criteria not easily applied and there was no particular information presented as to what trees and what heights should be exempt.

It is considered that a general height as well as a trunk diameter while not perfect does provide a good basis for a simple definition of a tree for the purposes of the order.

A definition of a tree is included in the proposed draft Order (attachment 1)

Definition of prohibited works

Currently the TPO prohibits the “ringbarking, cutting down, topping, lopping, pruning, removing or wilful destruction of a tree as defined under the order. “

Consideration has been given to widening the definition of the scope of works likely to cause damage to trees. Such works could include soil level changes (fill and cut), root severance, changes to soil condition eg excessive compaction, significant changes to drainage affecting trees. This wording reflects this.

This is consistent with general feedback in relation to enforcement issues, as it makes explicit and clearer the range of works which are prohibited under the order.

These suggestions have been incorporated into the draft order.

Tree replenishment

There was general support from the resident survey for the replacement of trees removed under the Order; however, support was divided in regard to replacement with larger canopy trees.

There was overwhelming support for the use of smaller canopy trees where appropriate. This is also relevant to comments about greater flexibility in the way the Order is applied as well as the importance of encouraging replenishment and tree care.

In some instances smaller understorey trees may be a better choice for the preservation of biodiversity, and more readily accepted by property owners.

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Tree replenishment requirements should also consider the realistic and practical site capability.

The draft order will refer to a requirement to plant replacement trees, and guidelines have been developed concerning this issue. (attachment 4)

Pruning of Trees

There was strong support in the resident survey for a percentage based exemption from the TPO for general pruning. At present all pruning except for deadwood or live branches over rooflines of residences requires a TPO application and assessment by Council.

The issue of a degree of exemption for general pruning has been considered as part of the TPO review. Currently many metropolitan councils have a general 10% annual exemption for pruning. This is not considered desirable as it allows for annual pruning to no specific standard and of any tree species.

Council's tree management officers and industry best practice suggests that general pruning of healthy trees is not desirable and can compromise tree health and form. It is noted that applications for pruning only of trees is relatively uncommon, with pruning applications largely being included together with applications to remove trees.

Other suggestions in relation to this issue have been made during the consultation process and have included the idea of an exempt tree works form filled out by the contractor and tree owner, or the establishment of an approved contractors register for particular contractors to undertake certain types of pruning as an exemption to the order.

It was considered that both ideas have merit, however there are a number of issues and concerns regarding such exemptions.

In particular there would be difficulties in ensuring enforcement of the required standards given the general poor standard of tree contractors, and difficulties in Council proving a breach of the guidelines.

The establishment and maintenance of a register of approved contractors able to undertake pruning without Council approval as an exemption under the order is likely to be a complex, time consuming and potentially very contentious.

Further it is considered that the current requirement to apply for pruning does discourage applications for obviously frivolous or unnecessary pruning.

Enforcement

The issue of enforcement was seen as important from the perspective of ensuring compliance with the TPO.

Interestingly there was also feedback that the order and its administration should not overly concentrate on "prohibition", but should also enable encouragement and incentives to grow and nurture trees on private property.

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In regard to enforcement, the draft order clarifies and substantially expands the category of works prohibited under the order as well as more clearly defining a tree under the order.

Council continues to pursue the issuing of Penalty Infringement Notices for some breaches of the order, and has had discussions with the Penalty Infringement Bureau in this regard. The fine for a breach would be \$600. Establishment of the relevant infringement codes has been negotiated with Council's compliance area and the Bureau.

Exempt Species

There was some support for an expansion of the exempt species under the order. However, of those supporting the expansion, the choice of species was extremely variable, with no clear trend in this regard. The responses reflected both general concerns (hazardous trees) and concerns with specific species.

The draft order refers to any tree which may be included as an urban environmental weed under Council's weed policy and in this way will be consistent with this policy.

Exemption for pruning over roof lines

There was strong support from the survey for this exemption. The draft order includes modifications to the current exemption for pruning of tree canopies over the roofline of a dwelling.

The exemption now requires that pruning over roof lines be consistent with the relevant Australian Standard for Pruning of Amenity Trees.

Where pruning of tree branches over a roof line would be beyond the parameters of the standard, such pruning would no longer be an exemption. Pruning in such cases would require an application under the TPO.

Exemptions trees within 3m of dwelling

This existing exemption was strongly supported and remains in the draft order, however modifications have been made to more clearly define how the 3m measurement is made, and what structures are not included, for example balconies and decks, verandas, carports.

Incentives

There were a range of comments from the consultation concerning the need to encourage an appreciation of trees and the planting and nurturing of trees and how the present tree preservation order and its administration relates to this principle.

Comments included the need for the order to have less emphasis on prohibition and a greater emphasis on reasonable management of trees and encouraging tree planting and replenishment.

Town Centres DCP

It is noted that the TPO will be integrated within the new comprehensive LEP and DCP which are due for completion over the next 5 years. Consistent with the report of December 2005 concerning the town centres DCP, the draft TPO has been incorporated as provisions within the Draft Town

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Centre DCP. Upon gazettal of the town centre LEP, the TPO will no longer apply to land within the town centres. These areas will be covered by the new LEP and DCP provisions.

Once all council areas are covered within the comprehensive LEP, the stand alone TPO will be replaced by the provisions within the LEP. However, as this is some time away the stand alone TPO is still necessary.

Changes to the Draft Order

The proposed draft order, (attachment 2), has been prepared in a more user friendly manner with headings in a frequently asked question style, and has been kept as simple as possible while ensuring that the critical components of the order are included.

The Order in essence defines and identifies works to trees for which the approval of Council is required. The order relies on internal processes and procedures and Council policies in terms of its detailed administration. This approach is consistent with Council's Tree Management Policy.

Note that the existing order has been provided (attachment 1) to enable a direct comparison.

Changes to the order include:

- "FAQ" format
- a new introduction concerning the purpose of the order and explicit aims of the Order
- Definition of tree under the Order
- Addition of reference to specific heritage properties and that exemptions shall not apply on these properties. This is consistent with the standard LEP provisions in regard to vegetation and tree preservation, and clarifies situations which have been problematic in this regard in the past. The relevant clause is as follows :

Do the exemptions apply on Heritage properties?

The exemptions under this order do not apply to trees which are, or form part of a heritage item.

- Deletion of a specific reference to heritage properties in regard to Camphor Laurel within the exemption list following the addition of the above clause. The specific reference is replaced by the general clause.
- Deletion of old exemption relation to trees in the path of services
- Substantial expansion of tree works prohibited under the Order
- Change to pruning exemption over rooflines to include Australian standard
- Reduction in exemption clearance for electrical service lines

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- Better definition concerning 3m exemption from dwellings
- Acknowledgement of Council tree works as an exemption subject to Council policy requirements
- Acknowledgement of approval for tree works under a Development Consent
- Acknowledgement of exemption for tree works approved under the Rural Fires Act
- Specific reference to an appeal process
- Specific reference to tree replacement
- Linking of exempt species list with Council's Weed Management Policy

CONSULTATION

Ongoing consultation with Councillors and community has been undertaken throughout the TPO review process.

To facilitate the review, an initial issues paper was prepared by staff during 2003, prior to the commencement of the review and a draft TPO working document was also developed in conjunction with the working party. Both of these documents were circulated to Councillors at the time for comment.

A further TPO working document was circulated to Councillors prior to the Planning Committee meeting of 1 March 2005.

Numerous issues and portions of a draft discussion paper were considered during 20003/2004, by the original working party which consisted community, councillor, industry and staff representatives. Consultation with industry and community focus groups, and a general electronic resident survey, using Council's reference group, was also undertaken.

Exhibition

The draft TPO and tree assessment guidelines were exhibited from April 21 to May 19 2006, at all Council Libraries, Council's administrative offices and also on Council's Website.

Submissions

No submissions were received by Council during the exhibition period. This was surprising given the level of interest indicated during the initial consultation and survey stages.

FINANCIAL CONSIDERATIONS

There are no significant financial implications concerning the finalisation of the draft order.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Tree Preservation Order Review has been undertaken jointly by the Open Space and Planning and Environment Departments.

SUMMARY

Consultation with focus groups and general consultation by way of an electronic survey have been completed. Councillors have been informed of issues by way of various summary papers during the review process. A draft Tree Preservation Order and guidelines documents has been developed and exhibited.

In order to finalise the review of the TPO it is proposed that the draft TPO be endorsed by Council. Under Clause 42(4) of the KPSO, Council is required to give notice of the making of the new TPO via notices in the Government Gazette and in a newspaper circulating in the area.

RECOMMENDATION

- A. That Council note the information provided in regard to the community consultation, changes to the order and exhibition of the draft Tree Preservation Order and draft guidelines for tree assessment and tree replenishment provided in this report.
- B. That Council adopt the Tree Preservation Order, as included in Attachment 2 to this report.
- C. That Council give notice of making the Tree Preservation Order in the Government Gazette and the North Shore Times.
- D. That Council adopt the Tree Assessment and Replenishment Guidelines as included in Attachments 3 and 4 to this report.

Ian Francis
Team Leader
Landscape & Tree

Craige Wyse
Senior Urban Planner

Steven Head
Director Open Space &
Planning

Attachments:

- 1. Current Tree Preservation Order - 680522**
- 2. Draft TPO - 679592**
- 3. Draft tree assessment guidelines - 679594**
- 4. Draft tree replenishment guidelines - 679593**



KU-RING-GAI COUNCIL

Council Chambers, 818 Pacific Highway, Gordon NSW 2072
Phone: (02) 9424 0888 DX 8703 GORDON Fax: (02) 9418 1117

REQUEST FOR TREE WORKS APPROVAL

PLEASE NOTE:

THE CORRECT FEE MUST BE PAID AT THE TIME OF LODGEMENT OF THE APPLICATION

Address of property containing trees: _____

_____ Postcode _____

Applicant's name (Mr/Mrs/Ms): _____
(If you are not the property owner, please provide authorisation from owner)

Telephone:

Home: _____ Business: _____ Mobile: _____

Nearest cross street: _____

Applicant's postal address: _____

_____ Postcode: _____

Has a previous application under council's tree preservation for this tree/s been refused?

Yes ☐ No ☐

Has the retention of the tree/s been the subject to a condition of a Development Application that has been lodged with Council within the last 5 years.

Yes ☐ No ☐

If yes, please provide details: _____

Number of trees you wish to remove: ☐

Number of trees you wish to prune: ☐

Please Note: – it is not necessary for the applicant to be present at time of inspection, as written confirmation of determination will be forwarded.

Is access to the tree/s available? (eg. security gates)

Yes ☐ No ☐

Do you have a dog that may threaten the inspector

Yes ☐ No ☐

Tree Owner's Name (please print): _____

Tree Owner's Signature: _____

Date: _____

DETAILS AND LOCATION OF TREE/S

BLOCK PLAN

Site plan indicating and numbering trees to be assessed and showing dwelling, street frontage & driveway. Please number clearly, trees to be removed and trees to be pruned. **To assist in identification of trees to be assessed, please mark with a ribbon/rope or non-permanent marking.**

Reasons for removal/pruning:

FEES FOR 2006/2007

Tree Removal Fee (one (1) tree)	\$78.00
Tree Pruning Application Fee (one (1) tree)	\$38.00
For each tree in excess of 1 (removal or pruning).....	\$12.00
Tree Review Application (for each tree).....	\$53.00
*Applications by Pensioners - Tree Removal	\$37.00
*Applications by Pensioners - Tree Pruning	\$16.00
*Applications by Pensioners - Review of Application	\$37.00
* Pension Concession Card must be produced	

Pension Number:

PRIVACY NOTIFICATION

PURPOSE:

INTENDED RECIPIENTS:

SUPPLY:

STORAGE:

To process the application under the Tree Preservation Order
Councillors, Council staff and public access may be available under various
legislation and through Council's Business Paper
Voluntary, however Council may be limited in dealing with the request
Council's Main Office

The information may be corrected/updated by contacting Council

(For Office Use: RC 570 GL 208.132.755)

KU-RING-GAI COUNCIL

Tree Preservation Order

In accordance with Council's stewardship of natural heritage and commitment to the principles of Agenda 21 and to ensure the long term survival of Ku-ring-gai's treed landscape, a Tree Preservation Order applies to the whole of the area. The Order is particularly aimed towards the preservation of Ku-ring-gai's indigenous tree canopy. This prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any tree having a height greater than 5.0 metres or a canopy spread of 4.0 metres except with the written consent of Council unless the tree is exempt from Order. Contravention of the Order can incur a penalty under section 126 of the Environmental Planning and Assessment Act 1979.

The following exemptions to the Order apply:

1. All completely dead trees and dead branches may be removed.
2. All trees of a height less than 5.0 metres and with a canopy spread of less than 4.0 metres.
3. Tree branches which directly overhang the roof of a dwelling, garage or commercial building may be pruned back to the nearest branch junction/collar to clear the roof, providing the owner of the trunk of the tree is in agreement. (Detached garages, detached carports and ancillary buildings are not included within this exemption).
4. All trees within 3.0 metres of an existing dwelling or proposed building with a development consent from Ku-ring-gai Council. This 3.0 metres is measured from the centre of the trunk of the tree to the external wall of the dwelling. To be exempt, both the tree and dwelling must be located within the one property. (Verandahs, detached garages, detached carports and ancillary buildings are not included within this exemption.)
5. All trees that are located within the path of roadways, sewerage and drainage works, and works by public authorities which have been approved by Council and inspected by an officer of the Department of Open Space.
6. All branches within 2.0 metres of electric powerlines.

7. All of the following species are exempt:

<i>Acer negundo</i> "Variegatum"	Variegated Box Elder
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus elastica</i>	Rubber Tree
<i>Ligustrum species</i>	Small and Large Leaved Privet
<i>Liquidambar styraciflua</i>	Liquidambar (with a height of less than 15.0 metres)
<i>Olea europaea subsp. africana</i>	African Olive
<i>Populus nigra</i> "Italica"	Lombardy Poplar
<i>Robinia pseudoacacia</i>	Black Locust
<i>Robinia pseudoacacia</i> "Frisia"	Golden Robinia
<i>Salix species</i>	All Willows
<i>Schefflera sp.</i>	Umbrella Tree
<i>Toxicodendron succedaneum</i>	Rhus Tree

PLEASE NOTE:

- Notwithstanding the above exemptions, Ku-ring-gai Council may at times overrule these exemptions in regard to a particular tree, trees or geographical area containing trees.
- An application form will need to be completed for all works required on trees that are not included in the above exemptions.
- The administration fee charged for inspection of trees is detailed on the enclosed application form. This fee is non-refundable.
- A twelve (12) month expiry date applies to consents contained within Tree Preservation Order permits.
- Council will require the planting of replacement trees as a condition to consents issued under the Tree Preservation Order unless sufficient existing trees remain on the property in accordance with Council's Tree Replenishment Policy.
- Consideration of applications will take into account the number of trees currently on the property.

Resolution of Council - Dated 3 June 2003

Most trees in Ku-ring-gai are protected by a TREE PRESERVATION ORDER prepared under the provisions of the Environmental Planning & Assessment Act 1979.

Only the owner of the property or their authorised agent (proof of authority required) can apply for a tree assessment and an application must be accompanied by the prescribed fee.

All trees, which are the subject of this application, will be assessed by a competent arborist to determine the general health, stability and safety of the tree/s. Where a tree/s is/are in themselves considered to be stable and structurally sound the application will normally be refused. Where trees are in themselves considered to be unhealthy, unstable or structurally unsound the application will normally be approved, partially approved or approved subject to conditions.

Where the applicant disputes the determination made in relation to an application, there is a review process available. The review process involves consultation with Ward Councillors and notification of interested parties and allows for a broader assessment of circumstances associated with the application.

ADVICE ON CHOOSING AN ARBORIST/TREE SURGEON

Ku-ring-gai Council does not maintain a register or make specific recommendations regarding contractors for arboriculture work. The following list provides some worthwhile advice to consider when choosing an arborist or tree surgeon:

- Obtain a minimum of three (3) quotes.
- Sight the contractor's Public Liability and Worker's Compensation Certificates (Public Liability Insurance should be for a minimum of \$10,000,000.00).
- Check contractor's qualifications and/or industry associations (a contractor should at least possess formal qualifications from a recognised institution).
- Ask for references or recommendations from previous clients.
- Agree on the extent of the work to be undertaken.
- Obtain a written quote that includes all proposed work.
- Pay contractor only upon satisfactory completion of the work.

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KU-RING-GAI COUNCIL
Tree Preservation Order

Introduction

This Tree Preservation Order, made under the provisions of the Environmental Planning and Assessment Act 1979, establishes a framework for the submission and assessment of applications for tree works in Ku-ring-gai, to ensure the proper management, replenishment, and long term survival of Ku-ring-gai's tree resource both native and exotic.

The order defines Council's responsibilities and requirements with respect to the protection, retention and replacement of trees in Ku-ring-gai.

On what legislative basis has this Order been made ?

This order is made pursuant to section 26(e) of the Environmental Planning and Assessment Act 1979.

Aims of the Order

To manage Ku-ring-gai's tree resources in a sustainable manner.

To protect, and enhance biodiversity values and identify replenishment opportunities.

To recognise, protect and enhance aesthetic and heritage values.

To secure and maintain amenity.

To sustain and enhance the tree canopy.

To prohibit unnecessary injury or destruction of trees.

To encourage responsible management of trees within an urban environment

To What Land does this Tree Preservation Order apply ?

This order applies to the whole of the local government area of Ku-ring-gai with the exception of those lands dedicated as National Park.

What is a Tree Under this Order ?

A Tree under this Order means a plant with any one or all of the following criteria:

A perennial plant with at least one self supporting woody, fibrous stem, whether native or exotic, which is 5 metres or more in height or

has a trunk diameter of 150mm or more measured at ground level

What Tree Works are Prohibited?

This Order prohibits the injury of any tree protected under this Order without the written consent of Council.

Injury under this Order means damage to a tree and includes:

removal of a tree

pruning, damaging/tearing of live branches

lopping (height reduction) topping of a tree

poisoning including but not limited to, the application of substances damaging to trees such as herbicides, other chemicals toxic to trees, spilling and or directing contaminants such as oil, petroleum, paint, cement, and similar to the root zone.

Ringbarking, or otherwise damaging the bark including the attachment of objects using invasive fastenings, tree climbing spikes, and the fastening of materials around the trunk of trees which may result in a detrimental impact on tree health.

The growing of vines to the trunk and branches of trees which is or will result in a detrimental impact on tree health.

Damaging the root zone of a tree by way of compaction, including storage and stockpiling of materials,

Changes to ground levels within the root zone of a tree by way of excavation, trenching, or filling.

When is Council's Consent Required ?

Consent from Council will be required to undertake works to trees protected under this Order.

What is an Offence under this Order ?

A person who contravenes or causes or permits to be contravened the provisions of this order shall be guilty of an offence.

What are the penalties for an offence under this Order ?

A person who contravenes the provisions of this order will be liable to prosecution and penalties in accordance with the Environmental Planning and Assessment Act, 1979.

When is Council's Consent not Required ?

Works that do not require consent are called exemptions.

The following exemptions to the order apply:

- 1. Dead trees and branches.**
Removal of completely dead trees and dead branches.
- 2. Tree branches directly over roof lines**
Removal of Tree branches which directly overhang the roof of a residence or commercial building, may be pruned back to the nearest branch junction or collar to clear the roofline, provided the owner of the tree is in agreement.

Pruning must be consistent with the relevant Australian Standard for Pruning of Amenity Trees , and must not result in a detrimental impact to the future health or stability of the tree or compromise the form of the tree.

Detached Garages, all carports and ancillary buildings are not included in this exemption
- 3. Trees within 3.0metres of an existing dwelling.**
Removal of trees within 3.0m of an approved, existing residential building.

This distance is measured from the centre of the trunk of the tree at ground level to the external wall of the building. The trunk of the tree must be located on the same property. Verandas, all carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks are not included within this exemption.

4. Branches and trees near electrical wires.

Works consistent with the provisions of section 48 of the Electricity Supply Act 1995. For electrical service lines to properties, this would apply to branches within 0.5m of these lines. This exemption applies to tree branches not trunks.

5. Trees on Council land

Tree works undertaken by Council or Council's authorised agents, on Council owned land, providing these works are consistent with Council's policies and internal guidelines.

The removal or trimming of trees in accordance with the Roads Act 1993, when undertaken by council or council's authorised agents, council owned or managed parks or bushland, providing these works are consistent with Council's policies and internal guidelines.

6. Trees approved for removal under development consent

Trees works for which consent has been granted in accordance with a valid development consent upon release of a Construction Certificate.

8. Exempt tree species

All of the following species are exempt:

Acacia saligna, Golden Wreath Wattle

Acer negundo, Box Elder

Ailanthus altissima, Tree of Heaven

Alnus jorullensis, Evergreen Alder

Cinnamomum camphora, Camphor Laurel except where 15m in height or greater,

Celtis sp. Celtis, Nettle tree

Aracastum romanzoffianum, Cocos Palm

Eriobotrya japonica, Loquat

Erythrina x sykesii, Coral Tree

Erythrina crista – galli, Cockscomb Coral Tree

Ficus elastica, Rubber Tree

Ligustrum species, Small and large Leaved Privet

Liquidambar styracifolia, Liquidambar (with a height less than 12m)

Olea europaea subsp. "Africana", African Olive

Populus nigra italica, Lombardy Poplar

Robinia pseudoacacia, Black Locust

Salix sp, Willows

Schefflera sp., Umbrella Tree

Toxicodendron succedaneum, Rhus

Other tree species listed from time to time in Councils Weed Management Policy as Urban Environmental Weeds.

Other tree species listed from time to time as noxious for Ku-ring-gai under the Noxious Weeds Act (1993).

9. Rural Fires Act 1997

Tree works for which an order or permit has been issued under the Rural Fires Act 1997.

Do the exemptions apply on Heritage properties ?

The exemptions under this order do not apply to trees which are or form part of a heritage item.

Who can apply ?

Only the owner of the trunk of the tree or their authorised agent (proof of authority required) can apply for consent for tree works under this order.

How do I Apply ?

An application is required to be completed and forwarded to Council for all works on trees where an exemption does not apply. The application must be accompanied by the prescribed fee.

Can the permit lapse ?

The Tree works permit is valid for 12 months from the date of issue unless otherwise specified. Upon application Council may allow an extension of time.

Can I appeal Council's decision ?

An application for review of Council's decision, under section 82A of the EP&A Act, may be lodged with Council on Council's Tree Review Application form where Council has refused an application , or an appeal may be lodged with the Land & Environment Court of NSW.

Will Council require replacement trees?

Council will require the planting of replacement of trees and may specify the number, species, location and stock size.

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Tree Preservation Order

Tree Assessment Guidelines for private lands

1.0 Guidelines for tree assessment decisions - general

Councils Tree Management Policy 20/04/99, (1.1.2 Appreciation of Trees), requires that tree works decisions have a focus on retaining and protecting trees, unless there is strong justification for removal.

2.0 Criteria considered strong justification for tree works or removal

The following criteria are considered to provide strong justification for tree removal :

- 2.01 Where there is substantial evidence that the tree is structurally unstable, and therefore there is a high likelihood of tree failure, and a high degree of hazard particularly where but not limited to trees located in proximity to a high target area (such as a dwelling, or regularly used external area), and remedial actions to mitigate hazards are not feasible or practical.

(Arborist report and testing may be required for significant trees)

- 2.02 Where the tree is in poor and declining health with a Safe Useful Life Expectancy of < 5 years and there are no reasonable options to mitigate or reverse the decline in health of the tree.

- 2.03 Where the tree is causing substantial and continuing structural damage to a dwelling or substantial structure, and remedial actions other than tree removal are not feasible or practical.

(Evidence such as a structural engineering assessment may be required to support this criteria)

- 2.04 Where the tree is proven to be directly causing substantial personal ill health, such as severe allergies, and this is supported by specific expert medical evidence linking the health condition to the tree, and where all other reasonable medical or other solutions have been explored.

3.0 Considerations which may be justification for tree removal or Pruning

These are considerations which may be sufficient reason for approval of tree works dependant on an assessment of the overall merit of the application, and the significance of the tree.

- 3.01 Tree assessed as in general declining health or has poor form (eg poor vigour, poor shape, heavily suppressed by other trees), vigour or structure with no feasible means to redress health or form issues.
- 3.02 A tree which has or structural defects which while not being hazardous may render the tree only suitable for retention in the short term, particularly where the tree is not deemed significant. and replacement may result in a better environmental outcome.
- 3.03 The tree produces fruit or other matter which may be hazardous to people and opportunities for remedial actions are not feasible or practical, or reasonable, dependent on the type and frequency of actions required, the significance of the tree its location and the degree of potential; hazard.
- 3.04 Pruning to improve form and vigour, or to alleviate a nuisance issue in a manner consistent with Australian Standard For Pruning of Amenity Trees, AS4373 1996 and with other accepted horticultural practices.
- 3.05 Tree located in an unsuitable position where for example predictable typical growth potential will result in major damage to a dwelling or substantial structure and there are no practical means to mitigate such future damage.

4.0 Criteria not generally considered justification for tree removal

These are common reasons for tree removal or tree works which would generally not be considered substantive by themselves, and would generally only be considered where there are proven to have significant health, safety, hazard or property damage implications or where trees are in poor health as noted in 3.01, 3.02.

- 4.01 Flower, leaf or fruit fall causing nuisance .
- 4.02 To increase general natural light
- 4.03 To enhance views
- 4.04 To allow for a proposed development
Note : vegetation removal would be considered under the development assessment process, and is not a valid reason for removal under the Tree Management Order
- 4.05 To reduce shade created by a tree.
- 4.06 To reduce fruit, resin or bird/bat droppings on vehicles.
- 4.07 Insect/animal nuisance
- 4.08 Minor lifting of driveways, paths and paving

- 4.09 Damage to fences due to branch failure
- 4.10 Minor damage to roof structures, outbuildings, garden structures, walls.
- 4.11 Damage to underground services (such as sewer lines, water services and the like), where there are feasible alternatives to mitigate or solve problems & retain the tree, and the tree is significant.
- 4.12 Construction of fences
- 4.13 Tree does not suit the existing or proposed landscape
- 4.14 Unsubstantiated fear of tree failure.
- 4.15 To allow for landscape works
- 4.16 Tree removal for Fire hazard/ hazard reduction, where land is not within bushfire prone lands as defined by Council's Bushfire Prone Land Map.
(Removal of Trees or other vegetation on bushfire prone lands for reasons of fire hazard would be dealt with by way of an application to Council for a hazard reduction permit under Rural Fire Act. Bushfire issues alone are not considered a reason for removal by themselves in areas not classified as high fire hazard.)
- 4.17 Dropping of dead wood
(Deadwood may be removed as an exemption under the order)
- 4.18 Tree too large or high.
- 4.19 Pruning to reduce height except where hedge.

Definitions :

Substantial evidence to indicate tree hazard and decline

Evidence of Tree hazard

Including but not restricted to : obvious instability of root plate, such as evidence of soil heave, loss of structural roots, root decay, poor structural integrity of trunk due to significant wood decay, large cavities, internal cracking,, poor large branch attachments such as severe bark inclusions, poor attachment of regrowth after lopping/ storm damage.

Evidence of Tree decline

Including but not restricted to : large areas of dieback of canopy, and poor live crown ratio(eg <30%), dead and decaying wood in trunk, sparse live canopy, substantial epicormic growth on branches and trunk, substantial insect attack, multiple areas of wood decay lesions in branches and trunk,

Significant Tree

A Tree which

has high degree of visibility in the local area and/or for surrounding properties and

is healthy, of good form and structurally stable

or

A tree which is healthy and is a horticulturally rare specimen for Ku-ring-gai , or is an endangered species, or has local heritage significance.

A tree or trees which are healthy and structurally sound ,and are ecologically significant as they make a contribution to the canopy and bio - linkage of the local area, or provide substantial habitat value for native fauna ,or form part of an endangered ecological community.

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Tree Preservation Order Guidelines for Tree Replenishment

1.0 General

Council will require the replacement of trees approved to be removed under the order and may in certain areas specify the species and location of replacement plantings.

The replacement of trees is required to ensure consistency with the following Aims of the Tree Management Order :

- *To manage Ku-ring-gai's tree resources in a sustainable manner.*
- *To protect, and enhance biodiversity values and identify replenishment opportunities.*
- *To recognise, protect and enhance aesthetic and heritage values.*
- *To secure and maintain amenity.*
- *To sustain and enhance the tree canopy.*

2.0 Tree replenishment criteria

Where a tree is removed, Council will generally require replacement with a locally occurring canopy tree within 28 days of tree removal.

However Council's Tree Management officer will take into account various criteria when determining the number location and type of tree for each permit

Replanting does not necessarily have to occur in the same position as the original tree or trees.

2.1 Criteria

General site capability in regards to replacement including :

- The site conditions, including slope, geology, soil depth moisture, orientation.
- The number, size location and canopy spread of existing canopy trees on the site and overhanging the site.

- The character of the surrounding area, and neighbouring properties
- Whether bushfire prone land
- Whether the site is heritage listed or within a heritage conservation area. (consideration of appropriate species and location required)
- The significance of the removed tree.
- The available planting area.

3.0 Replenishment in special areas

Specific provisions will apply for species and locations of planting required for replacement/replenishment of trees within known environmentally sensitive areas.

3.1 Environmentally Sensitive Areas

Planting of locally occurring native tree species will be a requirement for, but not restricted to, the following areas:

- areas within a designated riparian zone as defined in Council's Riparian policy, or sites associated with such zones
- within 100 metres of bushland areas.
- within designated bio linkage corridors as identified in Council's biodiversity strategy

3.2 Heritage areas

Planting of appropriate species in regard to the special character of the site and surrounding area whether exotic or native will be required in the following areas :

- Properties listed under local state or federal heritage listings.
- Local Heritage conservation areas

4.0 Tree replenishment timing

Replacement planting is normally required within 28 days of the removal of the tree(s), and this is stated as a condition within the permit.

4.1 Planting prior to commencement of works

Council may require replanting prior to commencement of the actual tree works.

In such circumstances which is analogous to a “deferred commencement”, Council will issue a letter outlining replenishment requirements and then issue a permit for works once the required planting has been satisfactorily completed.

Circumstances where this provision may be applied :

- Where a particularly significant tree is to be removed, and there is scope and it is appropriate to replant elsewhere on the property prior to removal.
- Where it is apparent that previous replanting requirements have not been fulfilled.

5.0 Tree replenishment audit procedures

Council will keep a record of tree replenishment requirements and plantings will follow up replenishment requirements for applications on a regular basis.

When consent is issued a letter (standard letter ##) concerning Council's tree replenishment requirements is sent after 28 days where the applicant has not informed Council of the replacement planting.

This letter which includes a self stamped addressed envelope and form is filled out by the applicant. and sent back to Council indicating replacement plantings undertaken, species and location. Alternatively Council may be informed by phone.

Where tree removal is of substantial nature or deemed environmentally and or socially significant Council will undertake site auditing of replenishment requirements and may do so on an ongoing basis.

6.0 Tree replenishment – exempt trees

Where Council is aware of the removal significant trees either as an exemption (eg, dead trees) or trees which may have been poisoned or the like, it is Council's policy that replacement planting be undertaken. Recognising that where a tree is exempt there is a need for co - operation of the tree owner.

ENERGY PERFORMANCE CONTRACT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to award a contract for an energy and water performance contractor.
BACKGROUND:	On 24 July 2006, an open Expression of Interest was sought to undertake an energy and water performance contract to improve the efficiency of Council facilities. Four submissions were received with two complying and two non-complying. On evaluation of all submissions, the two complying companies were selected to participate in a selective tender process.
COMMENTS:	The two invited tenderers were assessed against the Australasian Energy Performance Contracting Association selection criteria and in accordance with Council's tendering process. Both respondents identified significant improvements to the energy and water management of a range of council facilities and estimated savings greater than 16 per cent investment rate of return as set in the tender specifications. Energy Conservation Systems are recommended as the preferred tenderer.
RECOMMENDATION:	That Council appoint Energy Conservation Systems (ECS) to undertake a detailed feasibility study and that Council enters into an Energy Performance Contract with ECS based on the Detailed Feasibility Study. That \$665,299 be allocated from Council's New Facilities Reserve to fund the implementation of the contract and that any savings over and above the 6% rate of return be reinvested into the Revolving Energy Fund for future energy and water savings projects and that Council authorise the General Manager and Mayor to affix Council's seal to the contract.

PURPOSE OF REPORT

For Council to award a contract for an energy and water performance contractor.

BACKGROUND

Energy and Water Performance Contracting is when an energy service company (ESCO) is engaged to improve the energy and water efficiency of a facility, with the guaranteed energy and water savings paying for the capital investment required to implement improvements.

Energy and Water Performance Contracting would allow Council to upgrade ageing and inefficient assets while recovering capital required for the upgrade directly from the energy and water savings guaranteed by the ESCO. The ESCO takes the technical risk and guarantees the savings. At the end of the specific contract period the full benefits of the cost savings revert to Council.

On 31 May 2006 Council gave consideration to a report that sought endorsement of Council's draft Energy and Water Savings Action Plan and resolved to initiate a tender process pursuant to the Local Government (General Regulation 2005) to select an Energy Performance Contractor.

This report provides a discussion and makes a recommendation for the selection of an ESCO.

COMMENTS

On 24 July 2006, expressions of interest (EOI) were sought from suitably qualified companies to provide energy and water conservation service. The expression of interest documentation including selection criteria is included as Attachment 1.

Four responses to the EOI were received. Two companies complied with all requirements of the EOI. All four submissions were assessed by the selection panel against the predetermined criteria. This panel comprised of Manager Sustainability & Natural Resources, Sustainability Program Leader, Sustainability Officer and Community Services Coordinator.

The selection panel recommended to the Director Open Space and Planning and Acting Director Business and Finance that two companies, Energy Conservation Systems (ECS) and Total Energy Solutions (TES) proceeded to selective tender. Tender documents were sent to the companies on 9 October 2006 with a response date of 27 November 2006. As part of the tender documentation (Attachment 2), tenderers were provided with the details of the energy and water use at all Council facilities selected by council officers as sites appropriate for energy and water conservation works. These sites had previously been reviewed as part of the adopted Energy and Water Savings Action Plan.

As part of the financial sustainability of this project, and in accordance with the discussion in the report to Council on 31 May 2006, a minimum Internal Rate of Return of 16% was required by the Tenderers for the contract. The approximate amount of funding allocated to this project was up to

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\$1million, subject to the responses of the Tender and as recommended by Council as part of the consideration of the tender report.

A tender evaluation panel, including Manager Sustainability and Natural Environment, Sustainability Officer, Sustainability Program Leader and Building Trades Coordinator, assessed the two submitted tenders based on evaluation criteria outlined within the tender documentation supplied to both tenderers. Both tenderers provided details of energy and water saving initiatives which could potentially be implemented at various Council facilities as part of an EPC. These details are summarised in Confidential Attachment 3. This attachment also includes a summary of the financial response by the Tenderers to the tender requirements.

An evaluation and rank of the tenderers is shown in Table 1. The selection criteria is consistent with the Australasian Energy Performance Contractors Association criteria and as used by other Councils in undertaking such works.

Table 1 Assessment of the tenderers by the tender committee.

Cost	Weighting against selection criteria	Average score	
		ECS	TES
Fixed cost for detailed facility study	10	7	8
Minimum internal rate of return	10	10	10
Hourly rate for supplementary technical advice	5	3	4
Estimated cost of energy saving measures (within 20% margin of error)	5	3	5
Estimated cost of water saving measures (within 20% margin of error)	5	3	5
Subtotal	35%	26	32
Benefits			
Estimated annual energy savings (within 20% margin of error)	10	9	5
Estimated annual water savings (within 20% margin of error)	10	9	5
Broad guideline of recommended energy and water saving measures	5	4	3
Proposals for operations and maintenance training	5	4	3
Maintenance and/or upgrade issues	5	4	3
Potential greenhouse abatement	10	9	5
Description of the ESCO and its capabilities	5	4	4
Relevant experience	10	10	8
Purchase option	5	5	3
Subtotal	65%	58	39
Total Score		84	71

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Based on the above selection criteria, Energy Conservation Systems is the preferred tenderer for an Energy Performance Contract for Council facilities.

References were provided only by Energy Conservation Systems. ECS's referees provided a positive report on their relationship and outcome with ECS. No references were provided by Total Energy Solutions.

Director's comment*Director Open Space and Planning*

Having reviewed the tender evaluation process and recommendations of the tender evaluation committee, I support the decision to recommend to Council to appoint Energy Conservation Systems for this contract. While this tender response draws more heavily from the reserve than TES, the anticipated savings are also greater. As part of the contract negotiations and implementation of specific projects, opportunities to link with the implementation of the building maintenance program and upgrade of new town centre assets should be pursued as part of this contract. The most significant area of risk for Council is that should the service provider complete a feasibility study and Council determine not to pursue the project, the Council will assume responsibility for the costs associated with the undertaking of that study. The tenderers submission however provides a detailed study of the most likely projects.

Acting Director Business and Finance

The internal rate of return and investment amount is within the parameters set as part of the development of this project. Once the initial projects are undertaken and achieve the stated investment return, other projects whose value exceed the current investment rate could also be investigated as part of the long term property, asset and financial program.

CONSULTATION

Due to the complexity of this contract, a high level of consultation has been undertaken with external organisations to ensure the most appropriate process was followed. Council's Sustainability Officer consulted with the Australasian Energy Performance Contracting Association, Hornsby Shire Council and independent EPC facilitators throughout the expression of interest and selective tender process.

FINANCIAL CONSIDERATIONS

The proposed capital outlay as identified by ECS (\$665,299) is within the amount identified in the development of this project. The rate of return, if realised, would far exceed the current 6% rate achieved by Council's investments. In this respect the financial impact in the medium to long term is favourable.

In terms of sourcing the initial outlay, it is recommended that an internal loan be taken out against Council's New Facilities Reserve. As savings are realised throughout the life of the project, funds would be paid back into the New Facilities Reserve at the appropriate interest rate, based on

Council's investment earnings. Any additional funds can be transferred to the Revolving Energy Fund Reserve for future use. This fund currently stands at \$20,000.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Energy Performance Contract has the potential to affect a large number of facilities, staff, and users of Council facilities. Because of this, a high level of consultation with managers and users of Council facilities has been undertaken. This has included Council's Trades Coordinator, Senior Electrician, Senior Plumber, Commercial Services Coordinator, Team Leader Building Services, Manager Sustainability and Natural Resources, and Sustainability Program Leader.

SUMMARY

As part of implementing Council's Energy and Water Savings Plan and reducing Council's energy and water consumption, expressions of interest and selected tenders were called for an energy and water performance contract.

Four responses were received from the expression of interest stage with two of these recommended to proceed to selective tender. Submissions for selective tender assessed by the selection panel and the evaluation identified Energy Conservation Systems as the preferred tenderer.

RECOMMENDATION

- A. That Council appoint Energy Conservation Systems (ECS) to undertake a detailed Feasibility Study.
- B. Council enters into an Energy Performance Contract with Energy Conservation Systems (ECS) based on the detailed Feasibility Study.
- C. That \$665,299 be allocated from Council's New Facilities Reserve to fund the implementation of the contract.
- D. Any savings over and above the 6% rate of return be reinvested into the Revolving Energy Fund for future energy and water savings projects.
- E. That the Mayor and General Manager be authorised to execute all necessary documentation in relation to the contract.
- F. The Common Seal of Council be affixed to all necessary documents.
- G. That the tenderers be advised in writing of Council's decisions.
- H. that implementation of this contract be reported to Council annually.

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Louise Hayward
Sustainability Officer

Peter Davies
Manager Sustainability & Natural Environments

John Clark
Acting Director Business and Finance

Steven Head
Director Open Space & Planning

Attachments:

- 1. Expression of Interest & Additional Information - 703311.**
- 2. Energy Performance Contract - Tender Brief 703308.**
- 3. Potential Energy and Water saving initiatives - Confidential.**

Expressions of Interest

Energy and Water Performance Contract for Ku-ring-gai Council

As part of a commitment to saving energy, Ku-ring-gai Council is seeking Expressions of Interest from parties interested in supplying energy and water performance contract services for Council's facilities such as:

- Council administration building
- 4 libraries
- St Ives Showground
- West Pymble pool
- Nursery
- 116 parks and ovals
- 2 Golf Courses
- 10 community centres and halls

Interested parties should be capable of:

- carrying out detailed auditing of facilities;
- identifying energy saving opportunities;
- designing, procuring and installing proposed changes;
- guaranteeing energy savings;
- monitoring and reporting results; and
- providing ongoing technical service and support including staff training at all levels on energy efficient practices.

Council will conduct a selective tender based on the responses to this Expression of Interest. Submissions should include details of the tenderer's ability to provide the services listed above. Submissions should be received by 2.30 p.m. on 11 August.

Respondents should visit Council's website, www.kmc.nsw.gov.au or contact Louise Hayward, Sustainability Officer on 9424 0172 for more information.

EXPRESSION OF INTEREST (EOI) FOR THE SUPPLY OF ENERGY AND WATER PERFORMANCE CONTRACT SERVICES

Background

Council is planning to negotiate an energy and water performance contract (EPC) to reduce water and energy consumption at Council facilities. On 27 June 2006, Council indicated an availability of approximately \$1million to invest in an EPC. The purpose of this EOI is to find out who is capable of, and interested in, carrying out an EPC for this work. It is anticipated that a maximum of three registrants will be short-listed from this EOI to submit a tender proposal for an EPC for Council's consideration.

Note: It is Council's intention that the selected organisation would be required to meet a minimum 16% internal rate of return.

Interested organisations are to provide the information requested in this expression of interest. Expressions of must be lodged by 2.30pm on the closing date of 11 August.

Interested organisations should be capable of supplying the following as a 'turnkey' project across the facilities:

- carrying out detailed auditing;
- identifying energy and water saving opportunities;
- designing procuring, and installing the agreed works;
- guaranteeing energy and water savings;
- monitoring and reporting results; and
- providing ongoing technical service and support, including staff training at all levels on energy and water efficient practices.

The major objective is to maintain or improve the existing functionality of Council facilities while reducing energy and water consumption and other operating costs.

Selective Tender

Following the evaluation of EOIs, Council intends to prepare a Selective Tender document reflecting its requirements. Organisations that respond to this EOI will be evaluated and the short listed organisations will be invited to submit an offer under the selective tender.

Enquiries

All enquiries in relation to this Expression of Interest must be directed to Louise Hayward, Sustainability Officer on 02 9424 0172.

Absence of legal obligation and confidentiality

In inviting or receiving EOIs, Council makes no representations, nor does it intend to create any legal relationship with potential parties that choose to respond to the invitation. No part of the EOI shall be deemed to be confidential unless Council and the potential registrant agree in writing. Council has no obligation of liability to selected registrants if it decides not to proceed with the proposal.

Evaluation criteria

All EOIs will be evaluated in accordance with the criteria set out below. The criteria are not listed in any special order and may not be accorded equal weight. Some criteria may be regarded as mandatory for the purpose of registration (as suggested below). Evaluation and/or non-compliance with a mandatory requirement may result in the registration not being further evaluated.

The criteria are:

Essential

- past experience with energy performance contracting;
- performance contracting ability of the staff involved;
- membership of AEPCA (Australasian Energy Performance Contracting Association);
- ability to identify running cost savings and efficiencies other than energy;

Supporting factors

- method of monitoring energy savings;
- approach to a performance guarantee; and
- ability to provide ongoing support, service and training.

Registrants should note that Council may engage the services of external organisations/experts to assist with the evaluation of responses.

Registrant's details

Company/trading name

ABN.....

of [address].....

Name of registrant's representative.....

Position.....

Address for service of notices.....

Phone.....

Facsimile.....

Email.....

Experience and capabilities

Previous projects

Registrants are invited to provide details of experience in similar projects within the past five (5) years.

Details should include:

- description and value of projects;
- name of client and contact person for enquiries, including telephone number;
- corporate occupational health and safety management system;
- quality management system;
- staffing details, including support services and training;
- ability to identify running costs, savings and efficiencies;
- proposed methodology for the monitoring of energy savings; and
- demonstrated ability to implement comprehensive energy saving opportunities across a range of services, if required.

Other relevant experience

Registrants are invited to provide details of any area in which they have particular experience and expertise that may be of special relevance to this EOI.

Ku-ring-gai Council

Energy Performance Contract

Tender Brief

Tender No: T06/2006

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Proposal Summary Form (Mandatory)

Contact Officer:	Louise Hayward Sustainability Officer	Tel: 02 9424 0172 Fax: 02 9424 0880 Email: hayward@kmc.nsw.gov.au
Lodge the proposal at: Attention: Louise Hayward Sustainability Officer	Tender Box – Level 4 Council Chambers Ku-ring-gai Council 818 Pacific Highway Gordon NSW 2072	OR Ku-ring-gai Council Locked Bag 1056 Pymble 2073
By 2.00 p.m. on 20 th November 2006		

Name of Contractor: (Block letters)		
A.B.N.		
Address:		
The contractor proposes to perform consultancy services in accordance with the brief:	Energy Performance Contract – Ku-ring-gai Council Tender Number: T06/2006	
Date:		
Signed for the Contractor by: (Authorised Officer)		
In the Office Bearer capacity of:		
Name (in block letters):		
<p align="center">DECLARATION OF PECUNIARY INTEREST AND NON-COLLUSIVE TENDERING</p> <p>I _____ declare that _____ has no pecuniary interest in the <i>Name</i> <i>Company</i> above mentioned project and have not colluded with other companies or sub-contractors in submitting this proposal to Ku-ring-gai Council.</p>		

Project Background

The Ku-ring-gai local government area covers approximately 84 square kilometers or 8,446 hectares, containing nine suburbs. Council provides a variety of facilities and services for a population of approximately 108,000.

As part of responsibly serving the community, Council has made a conscious decision to reduce energy and water consumption at Council facilities. As part of this commitment, Council has recently developed an Energy and Water Action Plan based on Level 1 audits.

By way of background the cost of energy and water by Council in the 2004/2005 financial year was \$1,550,000 on energy and \$139,324 on water.

The Energy and Water Savings Action plan has been developed in accordance with the *Administration Amendment (Water and Energy) Act 2005* which requires Councils to prepare savings plans for high water and energy demand sites. While only 10 sites are needed to meet the requirements of this Act an additional 28 sites have been identified to develop the best possible understanding of where and when water and energy is consumed and the potential for maximising saving opportunities. The Plan however, is not complete and requires more detailed audits to satisfy the Department of Energy, Utilities and Sustainability (DEUS).

To implement the Plan and reduce Council's energy and water consumption, Council is planning to negotiate an energy and water performance contract (EPC). On 27 June 2006, Council indicated an availability of approximately \$1million to invest in an EPC. An EOI was conducted in August 2006 to determine applicants capable of, and interested in, carrying out an EPC for this work. Two applicants have been short-listed from this EOI to submit a tender proposal for an EPC for Council's consideration.

This document includes the information to enable applicants to undertake the selective tender process.

All enquiries in relation to this tender must be directed to Louise Hayward, Sustainability Officer on 02 9424 0172.

Project Objectives

The project objectives are to:

- reduce energy and water consumption at Council facilities
- reduce greenhouse emissions from Council's facilities
- reduce costs of energy and water consumption at Council facilities
- make Council a leader in the community in water and energy conservation
- ensure the energy and water requirements at Council facilities meet the needs of users
- have an internal rate of return on investment of no less than 16%
- provide sufficient information to enable the completion of Council's Energy and Water Savings Action Plan in accordance with the requirements of DEUS.

Note: It is Council's intention that the selected organisation would be required to meet a minimum 16% internal rate of return.

Project Scope

Council manages and owns approximately 230 sites within the Ku-ring-gai Local Government Area which require either water or energy. Sites vary from administration buildings, libraries, operations depot, community centres, public swimming pool, regional parks, ovals and golf courses. Limited works have been undertaken at some of these sites to reduce consumption and it is considered that many of these sites will have numerous opportunities to implement projects as part of the EPC. Due to the potential for conservation opportunities at all of Council's facilities, the EPC will include all Council sites. In consideration of this, the successful applicant may choose to address only a select number of sites to achieve the objectives of the EPC.

In addition to Council's facilities, Streetlights within the local government area will also be included as part of the EPC. Council currently spends approximately \$1.35million on streetlights *per annum*. Again, it will up to the discretion of the applicant as to whether street lights will be included as part of the proposal.

Council has indicated a budget of approximately \$1 million to undertake the EPC.

Site details and specifications

Council has a range of facilities which use water and/or energy. These include,

- Council administration building
- 4 libraries
- St Ives Showground
- West Pymble pool
- Nursery
- 116 parks and ovals
- 2 Golf Courses
- 10 community centres and halls

A comprehensive list of sites including locations and Kilowatt/Kilolitre consumption is provided in appendix A.

All tenderers will be provided with access to Council facilities as part of the selective tender process. Please contact Louise Hayward to arrange access to Council facilities.

Council will endeavour to make facilities available to the selected applicant as much as possible for the implementation of the EPC, however it is expected that any works undertaken must not be disruptive to the normal operation of the Council facilities.

Proof of Insurance

Prior to any contractor entering a Council premises for the purpose of undertaking investigations for any part of the EPC (including developing tender documentation), Council requires proof of all insurances held by the contractor, covering Professional Indemnity (not less than \$10,000,000), Public liability (not less than \$10,000,000) and Workers compensation must be valid for the duration of the contract preparation and if successful, throughout the contract period. If the contractor is a sole trader, it must demonstrate that adequate personal accident insurance is held as required by law.

Factors affecting the EPC

Council is currently redeveloping six town centres containing several Council owned facilities which may be affected by any future EPC. The town centre redevelopments may involve the demolition or significant renovation/extensions of these facilities in the future.

To enable applicants to determine the feasibility of undertaking any energy or water conservation works at these facilities, Council has included appropriate dates in Appendix B to indicate the timing for any future changes to facilities.

These sites may be included as part of the EPC so long as their redevelopment will occur within the contract period. Savings are to be calculated by m² of energy and water use when comparing against the facilities that are to be replaced.

In addition there are other sites earmarked for completion within the time period of the EPC. A list of these projects can be found in Appendix C.

Council is a partner in the Street lighting Improvement Program, funded by the Department of Utilities, Energy and Sustainability (DEUS). The program involves the deployment of 15,000 energy efficient globes between the Northern Sydney Regional Councils. This program is expected to be completed by 2009. This project will have an impact on Council's existing energy consumption for street lighting although the specifics have not as yet been determined.

New and Replacement Buildings

In addition to the implementation of energy and water conservation works associated with this EPC, the successful applicant may be asked to provide design advice in relation to the planning and building of future facilities. These services may also be used to assist in the preparation of grants that may or may not impact on the selected sites and the returns therein. In this regard hourly rates for professional services are sought as part of this contract.

The call for rates does not guarantee additional work, nor does it provide for the exclusive use of the successful consultant.

Other Professional Services

In accordance with the *Administration Amendment (Water and Energy) Act 2005* Council has developed an Energy and Water Savings Action Plan. The Plan was submitted to the Department of Energy, Utilities and Sustainability (DEUS) on 27 June 2006. Due to the basic nature of the plan with only Level 1 audits (Australian Standard AS/NZS 3598:2000) undertaken for sites, DEUS has requested further information to be provided in an amended copy of the Plan.

It is expected that completion of a Detailed Feasibility Study as part of the EPC will provide Council with the additional information required by DEUS to sufficiently amend the Energy and Water Savings Action Plan.

A copy of the Plan and the additional requirements from DEUS are included in Appendix D and E.

Timing

Council envisages the EPC to be completed within seven (7) years of commencement. Under exceptional circumstances, this timeframe may be adjusted. The following timetable is indicative of Council expectations for the project:

Close of tender	20 November 2006
Report to Council on tender applications	5 December 2006
Selection of successful applicant	5 December 2006
Development of Detailed Feasibility Study	January 2007
Completion of Detailed Feasibility Study	30 March 2007
Contract negotiation	April 2007
Award contract	30 April 2007
Contract implementation	2007 - 2014

Background and Qualifications

Information regarding background and qualifications of applicants should have been provided in any EOI documentation however, selected tenderers may wish to provide additional information. Council can only assess applications based on material as presented in both the EOI and tender documents presented to Council.

Further information on examples of energy and water projects undertaken with detailed case studies would be beneficial.

Financial considerations

Council has indicated a budget of approximately \$1 million to undertake the EPC.

Council requests two (2) years of audited financial statements from the applicant. In addition to this, as part of the contract, the successful tender will be required to lodge a bank guarantee as below:

- Design, supply and construct 5% of the contract sum is required at commencement of the project and will be returned on completion of the Defects liability period.

Declaration of Pecuniary Interest

In accordance with Council's Policy, the contractors are advised that prior to the commissioning of a consultancy or work, Council requires the submission of a declaration from the successful contractor of any pecuniary interest the contractor may have in the matter. Council retains the right not to proceed unless a declaration acceptable to Council is received.

Collusive Tendering

In accordance with Council's Policy, the contractors are advised that prior to the commissioning of a consultancy or work, Council requires the submission of a declaration from the successful contractor that there has been no collusive tendering for this proposal. Council retains the right not to proceed unless a declaration acceptable to Council is received.

Note that while collusive tendering is not acceptable to Council for any proposal, Council will consider collaborative bids by contractors, if this collaboration provides a more cost effective and practical approach to undertaking the project.

Lodgement

Submissions should be addressed to the General Manager and placed in Council's tender box, at the administration building, 818 Pacific Highway, Gordon by 2.30pm on the closing date of 20 November 2006.

Please sign the Proposal Summary Form and attach to your proposal.

All enquiries in relation to this tender must be directed to Louise Hayward, Sustainability Officer on 02 9424 0172.

Selection criteria

Applicants are required to provide information on the following:

Cost	Weighting
A fixed cost for a Detailed Feasibility Study	10
Minimum internal rate of return	10
Hourly rate for supplementary technical advice	5
Estimated cost of energy saving measures (with a 20% margin of error)	5
Estimated cost of water saving measures (with a 20% margin of error)	5
	35%
Benefits	
Estimated annual energy savings (with a 20% margin of error)	10
Estimated annual water savings (with a 20% margin of error)	10
Broad guideline of recommended energy and water saving measures	5
Proposals for operations and maintenance training	5
Maintenance and/or upgrade issues	5
Potential greenhouse gas abatement	10
Description of the ESCO and its capabilities	5
Relevant experience	10
Purchase options	5
	65%
Non weighted, mandatory criteria	
References	
Two years of audited financial statements	
Method of determining payments and term of payments	
Length of contract	
Insurances	
Latent site conditions (this may relate to the replacement of assets such as proposed new depot)	
Method of measuring savings	
Ownership of equipment	
Ability to provide information required to complete Council's Energy and Water Savings Action Plan	
Additional opportunities beyond those identified in this tender brief	

Applicants will be assessed on (but not exclusively) the above factors:

Appendices

Appendix A – Detailed site list

Appendix B – Projects possibly affecting the EPC

Appendix C – Projects affecting the EPC

Appendix D – Energy and Water Savings Action Plan

Appendix E - Requirements from DEUS to complete Action Plan

HERITAGE ADVISORY COMMITTEE MINUTES FROM THE MEETING OF 26 JUNE 2006 AND 28 AUGUST 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held on 26 June 2006 and 28 August 2006.

BACKGROUND:

On 26 June 2006 and 28 August 2006 Council's heritage Advisory Committee (HAC) held their meeting at the Council Chamber, the minutes taken at this meeting were confirmed and accepted.

COMMENTS:

A range of heritage issues were discussed at the committee meeting and a number of issues were raised for further consideration including the review of potential heritage items.

RECOMMENDATION:

That Council receive and note the minutes from the Heritage Advisory Committee meeting held on 26 June 2006.

PURPOSE OF REPORT

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held on 26 June 2006 and 28 August 2006.

BACKGROUND

On 26 June 2006 and 28 August 2006 Council's heritage Advisory Committee (HAC) held their meeting at the Council Chamber, the minutes taken at this meeting were confirmed and accepted.

COMMENTS

26 JUNE 2006 MEETING

A number of comments were made at the above mentioned meeting.

Ku-ring-gai History Week Photographic Competition & Exhibition

The Photographic Competition was discussed and the issue of increasing the number of entries considered by the Committee. HAC was informed that Council's Heritage Planner organised a second round mail out to all community groups, Chambers of Commerce and schools in the Local Government Area. The entry period was also extended until 28 July 2006.

Interim Tulkiyan Subcommittee Report

The Interim Tulkiyan Subcommittee Report was reviewed by all HAC members present. It was noted that Council's Commercial Services Co-ordinator has requested that the Committee provide comments on the Draft Strategic Plan (Australia Street Company) prepared for Tulkiyan by 18 July 2006. The recent opening in Heritage Week was very successful and a large number of visitors inspected Tulkiyan.

It was noted that a guideline document on handling objects within the house had been completed and tabled at the 21 March 2006 meeting of the interim subcommittee. Guidelines for training volunteers and house guides to assist in future open day and events has still to be completed.

Potential Heritage Item Review

The Committee raised the issue of conflicting information and in some cases a lack of information and incorrect facts. It was noted that during the public exhibition, new information may be revealed, particularly from the owners/occupiers of the houses.

Council staff briefly discussed some inquiries that were raised and noted that opinions about approval of potential listings were divided. Council staff stated that all property owners and residents will be advised in writing if Council goes ahead with public exhibition of the consultant's report and will be invited to comment.

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The Committee reached agreement that comments already received and comments received during the exhibition period would be taken into consideration in future reports to Council.

Comment:

Noted and information for the potential heritage item review will be further reviewed by Consultants prior to the exhibition period. Further comment regarding this matter is provided in the minutes of the 28 August 2006 meeting.

GENERAL BUSINESS

20 Grosvenor Street, Wahroonga

The Committee raised the issue of recent nominations for this property and noted that an application had been received to demolish the existing Federation period house. The Councillors present at the meeting indicated they also received letters objecting to the proposed demolition. Council officers advised that a heritage nomination was received in 2002 by the former owner prior to its sale and that Council had indicated it would consider including this property in a future draft LEP. However, to date no action on the 2002 nomination has taken place.

North Shore Railway – Roseville to Wahroonga

A heritage nomination has been completed for the Ku-ring-gai portion of the North Shore Railway Line between Roseville and Wahroonga and it is in the SHI database format. She advised she will lodge the nomination with Ku-ring-gai Council and the NSW Heritage Council for consideration.

28 AUGUST 2006 MEETING

Photographic Competition & Exhibition

The photographic competition was a success with 63 high quality entries across four categories. Judging of entries took place on Monday 28 August 2006 and winners were selected. The exhibition is to be held during History Week, from 13– 24 September 2006 at Gordon Library. It is anticipated that an awards ceremony will be held on Tuesday 26 September to present all photographers with their awards/certificates.

Potential Heritage Item Review

A report went to Council outlining the Consultant's draft recommendations for the 155 potential heritage items. Council resolved for the draft Report to be put on non-statutory public exhibition for 28 days to allow any interested persons to make submissions and comments on the draft report. Council have received numerous submissions regarding the Draft Report and individual inventory sheets. HAC recognised that the loss of a historical context can have an important impact on the actual heritage significance of a property and should be given consideration.

HAC have requested that a list of submissions be sent around to committee members outlining key issues.

Item 16

S03816
1 December 2006

Comment:

The non statutory Potential Heritage Item review exhibition period is from 20 November to 18 December 2006. A report will be made back to Council in February/March 2007.

CONSULTATION

The HAC includes representatives from the community and nominated heritage organisations.

FINANCIAL CONSIDERATIONS

The cost of running the Committee is covered by the Planning Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Where relevant consultation with other departments is conducted.

SUMMARY

The heritage Advisory Committee meetings were held on 26 June 2006 and 28 August 2006. A range of issues were discussed and a number of issues were raised for further review.

RECOMMENDATION

That Council receive and note the minutes from the Heritage Advisory Committee Meeting held on 26 June 2006 and 28 August 2006.

Antony Fabbro
Manager
Urban Planning

Steven Head
Director
Open Space and Planning

Attachments: **Attachment A - Minutes from Heritage Advisory Committee meeting held
26 June 2006 - 703190**
 **Attachment B - Minutes from the Heritage Advisory Committee meeting
28 August 2006 - 703193**

MINUTES

HERITAGE ADVISORY COMMITTEE MEETING

MONDAY 26 June 2006

**Council Chambers
818 Pacific Highway, Gordon**

MEETING OPEN: 6.50 PM

1.0 APOLOGIES

Councillor L Bennett (Chair).
Ms V Mack.
Ms L O'Flynn Heritage Planner.
Ms Deborah Silva, Commercial Services Co-ordinator.

2.0 ATTENDANCE

Community Members:

Mr I Stutchbury.
Ms J Harvey.
Mr J Guy.

Councillors:

Councillor J Anderson.
Councillor I Cross.
Councillor A Andrews (Acting Chair).

Council Officers

Mr Antony Fabbro, Manager Urban Planning.
Mr Paul Dignam, Heritage Advisor.

3.0 DECLARATION OF PECUNIARY INTERESTS

None declared

4.0 CONFIRMATION OF MINUTES OF 27 February 2005

Minutes accepted without amendment. Note; the minutes of the 27 February 2006 meeting were not accepted at the 8 May 2006 meeting due to a quorum not being achieved.

Moved; J Harvey.
Seconded; J Guy.

5.0 CONFIRMATION OF MINUTES OF 8 May 2005

Minutes accepted without amendment.

Moved; I Stutchbury.
Seconded; J Harvey.

6.0 Business Arising

6.1 Photographic Competition

The matter was discussed by the Committee and it was noted there is a delay from local Schools in submitting entries. Applications will be mailed out to the local Schools again and the closing date had been extended to 28 July 2006.

Generally there is a lack of submissions and the Committee felt that one of the issues is the uncertainty of securing funding for the prizes and the problems with Council retaining copyright for the images submitted by the authors.

The Committee suggested that copyright issues might be changed so that the author would still retain a right to use the photographs in other work. It was agreed that Council's in house legal officer should provide advice on the legal implications and word the copyright matter so that it can be extended to Council and the authors.

6.2 Interim Tulkiyan Subcommittee Report

The Interim Tulkiyan Subcommittee Report was reviewed by all HAC members present. It was noted that Council's Commercial Services Co-ordinator (D Silva) has requested that the Committee provide comments on the Draft Strategic Plan (Australia Street Company) prepared for Tulkiyan by 18 July 2006.

The recent opening in Heritage Week was very successful and a large number of visitors inspected Tulkiyan. The Committee suggested that all the people involved in the open day event, including members of the Friends of Tulkiyan, volunteers and exhibitors to should be formally thanked by letter.

It was noted that a guideline document on handling objects within the house had been completed and tabled at the 21 March 2006 meeting of the interim subcommittee. Guidelines for training volunteers and house guides to assist in future open day and events has still to be completed.

No other issues were raised in relation to the Interim Tulkiyan Subcommittee Report.

7.0 Potential Heritage Item Review

The Committee noted that a report is due to go to Council on Tuesday night recommending that exhibition of the consultant's report should go ahead and comments from residents be invited. The exhibition is non-statutory and the outcome is to hear the concerns of the residents before considering whether to proceed with a formal statutory draft plan. The consultants have recommended that 22 of the properties do not reach the local significance threshold and in their professional opinion should not be considered for future heritage listing.

The Committee raised the issue of conflicting information and in some cases a lack of information and incorrect facts. It was noted that during the public exhibition, new information may be revealed, particularly from the owners/occupiers of the houses.

Council staff briefly discussed some inquiries that were raised and noted that opinions about approval of potential listings were divided.

The Committee noted some formatting errors in the report to Council and recommended that a memo be prepared and forwarded to the Councillors before the meeting on the following night (Tuesday 27/6/06) noting all errors.

It was noted that the owner of 17 Heydon Avenue, Warrawee had commissioned a consultant to comment on the report prepared by Council's consultant and the conclusions and some historical information conflict with the opinion of Council's consultant. The Committee noted that such reports are helpful as more complete and correct information will be available at the end of the public exhibition and that is one of the reasons to proceed with a non-statutory exhibition of the report. J Harvey tabled some historical information about the property.

Council staff stated that No 20 Nelson Road, Lindfield is recommended to be excluded from the exhibition as the site had been recommended for rezoning in the draft Lindfield Town Centre Study.

The Committee noted that the consultant's may not have checked the earlier building applications available at Gordon library, but had checked the records Council holds in its property information database, which goes back to the early 1980s.

Council staff stated that all property owners and residents will be advised in writing if Council goes ahead with public exhibition of the consultant's report and will be invited to comment.

The Committee reached agreement that comments already received and comments received during the exhibition period would be taken into consideration in future reports to Council.

8.0 Late Matters

8.1 20 Grosvenor Street, Wahroonga

The Committee raised the issue of recent nominations for this property and noted that an application had been received to demolish the existing Federation period house. The Councillors present at the meeting indicated they also received letters objecting to the proposed demolition. Council officers advised that a heritage nomination was received in 2002 by the former owner prior to its sale and that Council had indicated it would consider including this property in a future draft LEP. However, to date no action on the 2002 nomination has taken place.

8.2 North Shore Railway – Roseville to Wahroonga

J Harvey advised that she has completed a heritage nomination for the Ku-ring-gai portion of the North Shore Railway Line between Roseville and Wahroonga and it is in the SHI database format. She advised she will lodge the nomination with Ku-ring-gai Council and the NSW Heritage Council for consideration.

8.2 2A Park Avenue, Roseville

Councillor Andrews raised her concern over the effect of rezoning of the Kindergarten facility at 2A Park Avenue, which is a Council owned property. It was agreed to consider this matter at a future meeting.

9.0 CLOSE

The meeting closed at 8.20pm

Next Meeting

The next meeting will be on Monday 28 August 2006

MINUTES

HERITAGE ADVISORY COMMITTEE MEETING

MONDAY 28 August 2006

**Level 5 Council Chambers
818 Pacific Highway, Gordon**

MEETING OPEN: 6.50 PM

1.0 APOLOGIES

Councillor Bennett (Chair)
Councillor Anderson
Councillor Cross
Mr Guy (Resigned)
Ms Deborah Silva, Commercial Services Co-ordinator

2.0 ATTENDANCE

Community Members:

Mr I Stutchbury
Ms J Harvey
Ms V Mack
Ms MacDonald

Councillors:

Councillor Andrews (Acting Chair)

Council Officers

Mr Antony Fabbro, Manager Urban Planning.
Mr Paul Dignam, Heritage Advisor.
Ms L O'Flynn Heritage Planner.

3.0 DECLARATION OF PECUNIARY INTERESTS

None declared

4.0 CONFIRMATION OF MINUTES OF 26 JUNE 2006

Minutes accepted with the following amendments.

Section 8.2 2A Park Avenue, Gordon (not Roseville). This building will be retained.

Moved;	J Harvey.
Seconded;	Ms Mack

5.0 Interim Tulkiyan Subcommittee Report

No Report as the Tulkiyan Sub-Committee's last meeting did not meet quorum thus an informal meeting was held and no report prepared.

60 Photographic Competition & Exhibition

The photographic competition was a success with 63 high quality entries across four categories. Judging of entries took place on Monday 28 August and winners were selected. The exhibition is to be held during History Week, from 13– 24 September at Gordon Library. It is anticipated that an awards ceremony will be held on Tuesday 26 September to present all photographers with their awards/certificates.

7.0 Dates for Heritage Festival 2007

Entries for the Heritage Festival 2007 are due by 17 November 2006; the Heritage Festival will take place from 3-18 March 2007. One suggestion for an event is an open day at Tulkiyan. It is proposed that a series of information sessions would be held at Tulkiyan that may be of interest to the owners of heritage listed properties. Tradespeople and craftsmen would be invited to speak on their area of expertise and to provide advice to the public on the restoration/ conservation of elements of their homes i.e. furniture restoration, roofing and paint specialists, heritage architects, etc.

8.0 Potential Heritage Item Review

A report went to Council outlining the Consultant's draft recommendations for the 155 potential heritage items. Council resolved for the draft Report to be put on non-statutory public exhibition for 28 days to allow any interested persons to make submissions and comments on the draft report. Council have received numerous submissions regarding the Draft Report and individual inventory sheets.

HAC recognised that the loss of a historical context can have an important impact on the actual heritage significance of a property and should be given consideration.

HAC have requested that a list of submissions be sent around to committee members outlining key issues.

9.0 Other General Matters

No. 3 Margaret Street, Roseville

Photographs of 3 Margaret street were tabled. An update on the property was given by Council's Heritage Advisor.

The two cottages/ houses are dilapidated. Currently there is approval to restore the cottages and construction of two dual occupancies behind the cottages. The owner has now lodged a new DA for demolition of the cottages.

The cottages were constructed in 1912 and were part of an orchard, being retained by the same family for many years.

Peter Williams

HAC was informed that Peter Williams son of John Williams who provided the land for the Water Street Hospital after his other son died has been in contact with the Historical Society. Mr Williams would like Council/ Historical Society to take scanned copies of brochures and photographs that he believes may provide additional information in relation to the Water Street development.

List of Development Applications

HAC members sought clarification as to why they no longer view and provide advice on heritage related development applications. Council's Heritage Advisor informed that HAC does not have the power to make recommendations or provide advice on such matters. The role of HAC is the strategic management of Ku-ring-gai's heritage and assisting in the education and promotion of heritage. HAC were advised that they can view all development applications and make comments as all DAs are advertised.

Recommendation:-

The HAC Charter should be amended to allow the Committee to provide advice to Council on development applications.

Moved: Mr Stutchbury

Seconded: Unanimous

Rezoning before Council on Pacific Highway, Turramurra

The rezoning on the Pacific Highway, Turramurra between Beachworth and Warrigal Avenue was raised as an issue for consideration. On the site there is a stand of remnant Blue Gum Forest and four inter-war style houses designed by leading architects. The rezoning application went to the ordinary meeting of Council on 22 August 2006 without a heritage assessment being completed despite Council's Heritage Officer recommending that such an assessment be completed. Councillor Andrews requested that HAC members look at the properties and provide an opinion as to whether there is any heritage value. From an initial discussion and existing

knowledge of the properties, HAC identified streetscape and group value of the properties.

10.0 CLOSE

The meeting closed at 8.20pm

Next Meeting

The next meeting will be on Monday 30 October 2006

DEVELOPMENT CONTROL PLAN NO 28 - ADVERTISING SIGNS - DRAFT AMENDMENTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

BACKGROUND:

Council adopted amendments to DCP 28 - Advertising Signs on 28 April 2006. Further minor issues have been raised by staff in working with the document.

COMMENTS:

Amendments are recommended to DCP 28 to address further issues relating to real estate signage, home occupation identification signage and consistency with the provisions for exempt and complying development.

RECOMMENDATION:

That Council resolve to exhibit Draft Development Control Plan No 28 - Advertising Signs for a period of 28 days and that a report be brought to Council following the exhibition.

PURPOSE OF REPORT

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

BACKGROUND

On 20 April 2006, Council resolved to adopt amendments to DCP 28 to make it consistent with the policy on outdoor dining and footpath trading. Amendments were also made to some definitions, and to improve format, clarity, internal consistency and overall useability. No public submissions were received. The amendments were adopted on 28 April 2006.

COMMENTS

A number of issues have been raised by Development Assessment and Compliance staff in working with the DCP. Some of these issues that are linked to the controls for Exempt and Complying Development will be addressed at the same time as changes are proposed in this regard to the Kuring-gai Planning Scheme Ordinance. A major review of the Advertising DCP will be undertaken as part of Council's comprehensive DCP. The issues to be dealt with here are listed below.

Issue

- At present, Part 10.1(d) of the DCP stipulates a maximum area for illuminated real estate signs, but no controls are provided for non-illuminated signs.

Discussion

This matter was not identified by staff during the previous review of the document. Necessary provisions must be imposed for temporary real estate signs, to ensure certainty and consistency in the application of the DCP controls so as to avoid oversized and unappealing signs detracting from the character of the locality. It is recommended that the size controls specified for illuminated signs be applied to all temporary real estate signs.

Council's DCP 46 -Exempt and Complying Development refers to DCP 28 for real estate signs. This change will therefore re-introduce size controls for exempt non-illuminated real estate signs.

Issue

- No provision is made for the promotion of larger developments during construction.

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S02367
30 November 2006

Discussion

It is reasonable that a large development should be able to be promoted during the construction period. It is recommended that the section on “Real estate signs (temporary)” be amended to include “property promotional signs”. The controls for property promotional signs would be the same as for real estate signs.

Issue

- This Part of the DCP also stipulates a difference in size between signs for auction (2.25m²) and signs for rent or sale by other than auction (1.15m²) on residential sites.

Discussion

There does not appear to be any good reason for this difference. It is more reasonable that a distinction be made on the basis of the scale of the development. The smaller size would then apply to single dwellings, dual occupancy development and the sale of single units within multi-unit developments. The larger size would apply to the sale of all other development, except for commercial and industrial premises.

Issue

- Inconsistency with Ku-ring-gai (Town Centres) Local Environmental Plan.

Discussion

It is proposed to increase the 2.25m² control for larger developments to 2.5m² for consistency with the standards for exempt development under the Ku-ring-gai (Town Centres) Local Environment Plan 2006.

It is proposed to prohibit illumination of temporary real estate signs, consistent with the provisions for signage that is exempt development under the Ku-ring-gai (Town Centres) Local Environment Plan 2006.

Issue

- Loss of link between DCP 46 – Exempt and Complying Development and DCP 28.

Discussion

The section for exempt “As of Right” Signs in DCP 46 contains references to Parts 13 and 14 of DCP 28. This section refers to home occupation identification signs, construction signs and temporary real estate signs. However, there is no reference to “As of Right Signs” in the recently amended DCP 28, nor is there a Part 13 or 14. This results in difficulties when applying the controls for exempt signage.

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30 November 2006

Changes to DCP 46 have been proposed to complement amendments to the Ku-ring Planning Scheme Ordinance (KPSO) under Draft LEP 195, which amends the standards for exempt and complying development. Draft LEP 195 was adopted for exhibition in June 2003, however, the Draft LEP has not been brought back to Council due to broader planning changes including the standard LEP template, and Council's current focus on town centres. A number of amendments will be required to the Draft LEP and Council is awaiting advice from the Department as to the appropriate way forward to make the amendments given the new regulation for making these plans. The Department has given no indication of how long this process might take. In the meantime, the main inconsistency can be addressed by amending DCP 28.

The recently amended DCP 28 deals with home occupation identification signs in Part 8 and temporary real estate signs in Part 10.1. It is proposed to add a note to Part 8 referring to the former Part 13 and a note to Part 10.1 referring to former Part 14. This will reinstate the link between DCP 46 and DCP 28 to ensure that controls are clarified for these signs.

Recommendation

The following amendments to DCP 28 are recommended:

Add a note to Part 8 Home occupation identification signs to read as follows:

8. Home occupation identification signs

Signs erected to identify home occupation businesses do not require consent from Council if they comply with Council's exempt development provisions.

Note: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 13.

Change title of Part 10.1 to read as follows:

10.1. Temporary real estate and property promotional signs

Change Part 10.1(a) to read as follows:

- a)** Not more than one sign may be erected at any premises, except where there is more than one real estate agency, where not more than 1 sign per real estate agency may be erected at any premises.

Change Part 10.1(b) to read as follows:

- b)** signage must advertise only the premises and/or land to be sold/leased/ or the development under construction on the site to be sold/leased upon completion.

Change Part 10.1(d) to read as follows:

- (d)** the size of signboards is not to exceed:

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30 November 2006

- i. 1.15 m² where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale;
- ii. 4.5 m² where commercial or industrial premises are being advertised;
- iii. 2.5 m² where premises other than those listed in i) and ii) above are being advertised for sale;

Insert Part 10.1 (e) as follows:

(e) are not illuminated, self-illuminated or flashing at any time.

Insert the following note after Part 10.1 (e) as follows:

Note 1: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 14.

CONSULTATION

It is recommended that the draft DCP 28, as amended, be placed on public exhibition for a minimum of 28 days as required by the Environmental Planning and Assessment Regulation, and that the Chambers of Commerce in Lindfield, St Ives, Turramurra and Wahroonga be notified about the exhibition and invited to comment.

FINANCIAL CONSIDERATIONS

Council costs are primarily related to staff time required for the preparation and review of the Draft DCP as well as the costs of advertising and exhibiting the document. These costs can be met within the planning budget of the Planning Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Close consultation with Development Assessment and Compliance Officers from the Development and Regulation Department has been undertaken for this proposed amendment.

SUMMARY

Minor amendments are proposed to DCP No 28 in response to Council staff concerns about provisions in relation to temporary marketing signage and home occupation identification signs and consistency with the provisions of exempt and complying development. These minor amendments clarify the issues.

RECOMMENDATION

- A. That Council exhibits an amendment to Draft Development Control Plan No 28 – Advertising Signs as outlined in this report for a period of 28 days in accordance with the provisions of clause 18 of the Environmental Planning and Assessment Regulation 2000.
- B. That Chambers of Commerce be notified of the exhibition.
- C. That a report be brought to Council following the exhibition.

Terri Southwell
Urban Planner

Antony Fabbro
Manager
Urban Planning

Steven Head
Director
Open Space and Planning

Attachments: Development Control Plan No 28 - Advertising Signs - as amended - 703390

Ku-ring-gai Council

Development Control Plan No. 28

Advertising Signs

Adopted by Council: 27 March 1996

Effective: 17 April 1996

Amended: 28 April 2006

DRAFT

Schedule of Amendments

	AMENDMENT	ADOPTED
1	A new section (see Section 7) has been inserted into DCP28 containing controls for advertising on outdoor dining furniture and footpath trading equipment. The controls bring DCP28 into line with Council's Policy on outdoor dining and footpath trading. Several definitions have also been added, including: "furnishing", "business identification" and "third party advertising". The document has also been amended to improve format, clarity, internal consistency and overall useability as it has not been reviewed since its original adoption in 1996.	20 April 2006 Effective 28 April 2006

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DRAFT

Introduction

1.1 Name of this DCP

This plan is known as “Development Control Plan No 28 – Display and Erection of Advertisements and Advertising Structures”.

1.2 Commencement Date

This Development Control Plan (DCP) was adopted by Council resolution on 20 April 2006 and came into effect on 28 April 2006.

1.3 Land to which this Plan applies

This plan applies to all land within the Local Government Area of Ku-ring-gai including land under the care, control or management of State or Federal Government Bodies.

1.4 Objectives

- a) Preservation and enhancement of the predominantly residential character of the Ku-ring-gai area.
- b) An appropriate balance between the established streetscape character and the commercial need to advertise goods and services.
- c) Advertisements and advertising structures that are compatible with the architectural style of the built environment.
- d) Advertisements and advertising structures that do not disrupt vehicular or pedestrian traffic flow.

1.5 Relationship to other planning instruments

This DCP is created under Council's principle environmental planning instrument, the *Ku-ring-gai Planning Scheme Ordinance* (KPSO).

1.6 Advertising signs that require approval

All proposals for advertising and advertising structures must be submitted to Council for assessment as a development application unless the advertising / advertising structure is **exempt or complying development** under the KPSO.

Note 1: Some advertising signs may also require building approval under Section 68 of Chapter 7 of The Local Government Act 1993.

Note 2: Applications granted consent by Council do not exempt the applicant from compliance with other statutory requirements.

1.7 Making an application

Development applications should be prepared in accordance with Council's Development Application (DA) Guide. All applications for advertising and /or advertising structures should contain the following information:

- i. Precise location of the proposed signage.

-
- ii. Type, nature and size of the sign.
 - iii. Purpose of advertising.
 - iv. If relevant, qualifications of the organisation being advertising as a local charitable or community service organisation.
 - v. If temporary or part-time, the time(s) and date(s) of their erection.

1.8 Definitions

Above-awning sign means a sign attached to the upper side of an awning (other than the fascia or return end).

Advertising panel means any advertising structure other than those defined in this DCP which is not illuminated, including a hoarding, bulletin board or billboard.

Business identification sign means a sign or a logo that identifies the nature of the business carried out by the person or business, at the premises or place at which the sign or the logo is displayed, but does not include third-party advertising.

Floodlit means illumination by an external source of artificial light.

Flush wall sign means a sign other than a hoarding that is attached to the wall of a building which does not project horizontally more than 50mm from the wall.

Furnishing means furniture, appliances and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.

Illuminated sign means any sign that is internally illuminated.

Pole or pylon sign means a sign that is erected on a pole or pylon independent of any building or other structure.

Projecting wall sign means a sign that is attached to the wall of a building (other than the transom of a doorway or display window), that projects more than 50mm from the wall to which it is attached and that has a width greater than its height.

Roof sign means any sign displayed above the on the roof or parapet of a building.

Third party advertising means any advertising other than that which identifies the business undertaken at the subject premises.

Top hamper sign means a sign that is attached to the transom of a doorway or display window of a building.

Under-awning sign means a sign that is attached to underside of an awning (other than the fascia or return end).

2 General Controls

- a) The advertising sign must comply with all relevant provisions of:
 - *State Environmental Planning Policy No. 64 – Advertising and Signage*;
 - the *Environmental Planning and Assessment Act 1979*;
 - the *Ku-ring-gai Planning Scheme Ordinance*; and
 - the *Local Government Act 1993*.
- b) The advertising must be of a design that is in sympathy with the character of the building to which they are affixed.

-
- c) The proposed advertising must not be the dominant visual element on the subject building, group or buildings or streetscape.
 - d) Advertising affixed to heritage items or located within heritage conservation areas must complement and enhance the visual quality of the building and streetscape.

3 Advertising Structures

Note: The following advertising styles are considered to be inappropriate and are discouraged by Ku-ring-gai Council:

- *flashing signs, moving signs, balloon signs or the like*
- *signs advertising an activity or trade other than that associated with the building to which the sign is attached*
- *sandwich boards*
- *hoarding signs, painted bulletins, stickers, or advertisements in the nature of posters other than those described in this DCP*
- *any advertisement that would, in the opinion of Council be unsightly, objectionable, or injurious to the amenity of any streetscape, landscape, foreshore, public reserve or public place*
- *painted window or wall signs above awning height*
- *the painting of buildings in corporate colours*
- *signs on stationary vehicles used principally for the purpose of advertising*
- *fluorescent colours*
- *all signage in residential areas not specified in this DCP*

3.1 Under-awning signs

Not more than one under-awning sign may be erected per business / shop and under-awning signs:

- a) must not exceed 2.5 metres in length and must not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building;
- b) must not exceed 0.3 metres in depth;
- c) must be not less than 2.6 metres from existing ground level at any point.
- d) must be erected at right angles to the property boundary of the building to which the awning is attached;
- e) must be located within 3.0 metres of the centre of the building façade;

3.2 Above-awning signs

Above-awning signs may only be erected where they are compatible with the building style and locality, and where:

- a) they are parallel to the fascia or return end of the awning;
- b) they do not project beyond the edge of the awning;
- c) if lettering is of a skeleton style, they
 - do not exceed 0.9 metres in height, and
 - have a base that is affixed directly to the awning and that is not more than 0.2 metres in height; and
- d) if lettering is of a solid style, they

-
- have a maximum advertising area of 2.2m²
 - have a maximum height of 1.5 metres, and
 - the base of the lettering is not more than 2.4 m above the roof of the awning.

3.3 Top hamper signs

Top hamper signs

- a) must not extend more than 3.7m above the ground; and
- b) must not project more than 150mm beyond the face of the shop front and/or the building alignment.

3.4 Pole and pylon signs

Pole and pylon signs:

- a) must not project over any road;
- b) must not be less than 2.6 metres from existing ground level at any point;
- c) must have a maximum advertising area of not more than 4m² on any single face; and
- d) must not be more than 6m above the existing ground level at any point.

3.5 Flush Wall Signs

Flush wall signs:

- a) must not project above the top of the wall to which they are attached;
- b) must not extend above awning height; and
- c) must be of a size and shape that relate to the architectural design of the building to which they are attached.

3.6 Projecting Wall Signs (Vertical)

Where the height of a projecting wall sign is greater than its width, the projecting wall sign:

- a) must project from the wall to which it is attached in accordance with the following scale:

Height of advertising sign base	maximum allowable projection
2.6 – 3.7 metres above ground level	0.5 metres
3.7 – 4.6 metres above ground level	0.75 metres
> 4.6 metres above ground level	1.0 metres

- b) must not project above the top of the wall to which it is attached;
- c) must be at least 2.6 metres above the ground; and
- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.

3.7 Projecting Wall Signs (Horizontal)

Where the height of a projecting wall sign is less than its width, the projecting wall sign:

- a) must be erected at right angles to the wall of the building to which it is attached;
- b) must be at least 2.6 metres above the ground level at every point.

- c) must project from the wall to which it is attached in accordance with the following scale:

Height of advertising sign base	maximum allowable projection
2.6 – 3.7 metres above ground level	0.5 metres
> 3.7 metres above ground level	0.75 metres

- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.
e) must have a projection not greater than 3.0 metres.

3.8 Roof signs

Applications for roof signs will be considered on merit.

3.9 Advertising Panels

- a) Newsagents' headline advertising in the form of placards, posters of headlines and the like etc must be in frames fixed to the facade of the subject premises.
b) All ancillary advertising for charitable functions and Christmas and New Year decorations and the like, shall be subject to Council approval prior to display.

3.10 Floodlit Signs

- a) Floodlit signs which project over public roads must not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

3.11 Illuminated Signs

- a) Where illuminated signs are located within 61.0 metres of a traffic control signal, the advertising sign must not have lighting coloured red, amber, green or blue unless:
- permission has been granted by the Roads and Traffic Authority, and
 - the sign is not less than 9.0 metres above road level.
- b) Illuminated signs located within 122 metres of a traffic control signal where by reason of a grade or curve the signs would be in line with a driver's vision of the signal or where, within this distance, the signs could be interpreted on approach as traffic control signals may only be erected with permission from the Roads and Traffic Authority.

4 Controls for advertising in business centres

4.1 General

- a) Signs must be designed with regard to the history and period of the buildings to which they are affixed.
b) Above-awning signs must of a design that is appropriate to the building style and surrounding townscape elements.

4.2 Shop front signs

- a) All shop front signs must be located at or below the level of the awning.

4.3 Fascia signs

- a) Fascia signs must be professionally produced painted, screen printed or other flush wall signs.

4.4 Upper-fascia and above-awning signs

- a) Upper fascia and above-awning signs must be lettering on windows only with a maximum letter height of 300mm.
- b) Panels attached to the upper fascia or above the awning must not exceed more than 25% of the upper fascia / above-awning wall area.
- c) The signs must not be illuminated.

5 High Rise/Corporate Centres

- a) Signage on high rise and corporate centres must be corporate logos only on the frontage of the building.
- b) The area of the signs shall not exceed 25% of the solid wall area of the face upon which they are displayed of the top-most level.

Note: The solid wall area excludes glazed areas.

- c) Illuminated signs located in residential areas must be fitted with automatic timing devices to ensure that they may be set to minimise disturbance to residents.

6 Service Stations

- a) Pole, emblem and price signs must not be greater than 6.0 metres in height as measured from ground level.
- b) All signs must be wholly contained within the allotment.
- c) The total area of all signage on the property must not exceed 1m² per 3m of the primary road frontage.
- d) Canopy fascia signs must contain trade name details and corporate identification only.
- e) Subsidiary signs must be of a number, size and style that are compatible with the size of the operation as determined by Council.
- f) Illuminated and floodlit signs may only operate during approved trading times.

7 Advertising on Outdoor Dining Furniture or Footpath Trading Activities

Advertising associated with outdoor dining furniture or footpath trading activities must comply with the following controls:

- a) Advertising on furnishings other than business identification must not exceed third party advertising of one business other than the primary business at the premises.
- b) If business identification is used on planter boxes, the advertisement must be fully incorporated into the design of the planter boxes.
- c) Display stands used in footpath trading areas must not contain third party advertising.

Note: Business identification is permitted on display stands.

8 Home occupation identification signs

Signs erected to identify home occupation businesses do not require consent from Council if they comply with Council's exempt development provisions.

Note: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 13.

9 Residential Identification Signs

Residential identification signs do not require development consent from Council if they comply with Council's exempt development provisions.

10 Temporary Signs

10.1 Real Estate and Property Promotional Signs

- a) Not more than one sign may be erected at any premises, except where there is more than one real estate agency, where not more than 1 sign per real estate agency may be erected at any premises.
- b) Signage must advertise only the premises and/or land to be sold/leased or the development under construction on the site to be sold/leased upon completion.
- c) All signs are to be removed within fourteen (14) days of sale or auction of the property.
- d) The size of signboards is not to exceed:
 - i. 1.15 m² where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale;
 - ii. 4.5 m² where commercial or industrial premises are being advertised;
 - iii. 2.5 m² where premises other than those listed in i) and ii) above are being advertised for sale;
- e) Are not illuminated, self-illuminated or flashing at any time.

Note 1: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 14.

Note 2: All Real Estate advertising signs not complying with this plan may be:

- impounded by Council.
- held by Council for seven (7) days after the advertiser or agent has been notified in writing Council has impounded the sign.
- be made available to the advertiser or agent upon payment of all costs associated with the impounding with a minimum fee of \$50.00 per sign being payable.

Signs not recovered within the seven (7) day period may be disposed of at Council's discretion. Where the advertiser or agent fails to recover signage Council may still seek to recoup any cost incurred.

10.2 Sporting and Special Events Signs

Signs for sporting and special events such as cultural and entertainment activities will be considered by Council on individual merit. Council recognises these activities as an important element in community use of commercial precincts and special consideration will be given to permit departures from provisions of this plan provided that such departures do not significantly impact on the locality.

-
- a) Signage must be displayed for a period not greater than fourteen (14) days prior to the event and must be removed on the day following the event.
 - b) Not more than two (2) organisations' advertising may be displayed at any one (1) set of approved banner poles.
 - c) The advertising must be that of recognised local organisations or organisations of a charitable or community service nature.

Note: All unauthorised advertising will be impounded by Council.

10.3 Other Advertising

- d) Council may grant consent to other advertising structures not described in this Plan provided that they are temporary advertising only.
- e) Temporary signs to which Council grants consent under this section may not be erected for a period of more than two (2) months.

11 Maintenance

- f) A sign shall not be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.
- g) All signs shall be maintained to the satisfaction of Council at all times.

TEMPORARY RELOCATION OF THE KU-RING-GAI STATE EMERGENCY SERVICES HEADQUARTERS

EXECUTIVE SUMMARY

PURPOSE OF REPORT: To update Council on the current condition of the Ku-ring-gai State Emergency Services Headquarters and seek approval for funding of the relocation costs.

BACKGROUND: In a memorandum dated 21 December 2005, Council was advised on the settlement and structural problems of the SES Building, based upon a report dated 6 December 2005 by a structural engineer.

It was advised that a Geotechnical Engineer would be engaged to assess stability of the ground conditions.

COMMENTS: A Geotechnical Engineer was engaged and investigation completed by August 2006. From investigation and borehole testing at the site, the results indicate that settlement would continue and therefore the building is considered to be unsafe..

More critically, the report details three options in terms of geotechnical aspects, and concurs with the recommendation by the structural engineer to demolish the entire building.

For the safety and welfare of the SES officers, it is considered necessary to remove them from the current premises and temporarily relocate them in an alternative building.

RECOMMENDATION: That Council approve funding of \$90,000 for temporary relocation and setup costs of the Ku-ring-gai SES HQ to be funded from Council Contingencies Reserve.

PURPOSE OF REPORT

To update Council on the current condition of the Ku-ring-gai State Emergency Services Headquarters and seek approval for funding of the relocation costs.

BACKGROUND

The existing SES building is constructed over a former landfill site near the Golden Jubilee Oval and due to settlement of the fill, movement in the building has occurred. Several previous reports, including a geotechnical investigation in 1989 have been carried out for the site, and these results summarised below:

- May 1992. The investigation revealed the present level of movement was substantially less than the maximum design limit. A Certificate was issued certifying that the building was structurally adequate, is performing well within the designed, expected and acceptable limits.
- February 1995. The investigation revealed no noticeable worsening of the movement. The opinion of engineer was that the building was performing well above expectations for the site.
- July 2000. Whilst significant movement due to differential settlement was observed, performance was noted as relatively good (given the building was constructed on a high-risk area). Normal maintenance works and periodic monitoring was recommended.

One of these maintenance work suggested was for grout injection to lift uneven slabs, however as it would not prevent future settlement, it was not undertaken.

As advised in a memorandum dated 21 December 2005, the structural integrity of the SES Building was further investigated by, Appleyard Forrest consulting engineers with a copy of their report dated 6 December 2005 circulated and attached to this report.

Key issues raised from this report were;

- Significant structural problems potentially resulting in collapse of some structural walls.
- OH&S concerns for SES staff using the building.
- Geotechnical engineering advice required regarding settlement prediction and impacts.
- Installation of temporary propping immediately.
- Financial impacts to Council as a consequence of the three options recommended.

Appleyard Forrest was further engaged to provide advice on internal structural supports. Final plans for the layout of columns and support props were submitted in March 2006, and support props for the office and training areas were installed in April 2006.

COMMENTS

Following a selective quotation process, Council engaged Jeffery & Katauskas (J&K) consulting geotechnical engineers to undertake geotechnical investigation of the SES headquarters. This was completed in August 2006.

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The scope of the investigation was limited to obtaining geotechnical information of the subsurface conditions as a basis for comments and recommendations on expected ongoing settlement of the fill.

Investigation procedure

Two boreholes were drilled within the SES Headquarters site to depths of 11.0 metres and 10.5 metres. In addition, six boreholes were drilled within the car park area between the existing Golden Jubilee Oval and the SES building. These boreholes were drilled to assess the broad extent of landfill. Boreholes were terminated once the sandstone bedrock was proven for depths of at least 1.1 metres or at depths of 3 metres if only fill was encountered.

Subsurface conditions (SES site)

Fill encountered below the pavement comprised variable composition, compaction and depth. Overall, both boreholes encountered similar conditions to previous boreholes in 1989, in that they comprised of:

- Predominantly a mixture of silty sandy clay and clayey sand.
- Varied inclusions - sandstone, gravel, wire, fabric, timber and organic matter. Hard obstructions were also encountered.

Ongoing settlement below SES building

The investigation revealed that the profile is made of highly variable fill that contains deleterious material that would continue to breakdown overtime. Key findings raised were:

- That significant settlement had occurred and in their opinion settlement would continue.
- That whilst it was difficult to predict the magnitude of on-going settlement, given the depth and variability of fill, they are of the opinion such settlement would be significant and may be equivalent to past settlement.

As a consequence, the long-term sustainability of the SES headquarters needs to be addressed and possible options for rectification required.

Rectification options

The Geotechnical report details three options in regards to geotechnical aspects. An extract of the comments and recommendations is attached as **Attachment A**. In summary these are:

- Option 1 - Partial demolition and construction of lightweight structure. This comprises demolition of affected load bearing walls and their reconstruction using lightweight materials. This option was not recommended as it was only suitable if minimal settle was expected.
- Option 2 - Partial demolition, construction of lightweight structure and underpin slab. This comprises additional demolition works than option 1 for access required to install the piers founded to bedrock (ie. underpinning). This option has inherent difficulties with installation and would be expensive.

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- Option 3 – To demolish the entire building. The geotechnical engineer concurred with the recommendation by Appleyard Forrest to demolish the entire building and reconstruction as the most practical option.

As a consequence of the findings of the report by J&K and Appleyard Forrest, Council is essentially left with no other option on the grounds of Occupational Health and Safety of SES officers to relocate them from the current building and temporary house them in the old garbage depot at Council's depot.

Relocation site

Given our OH&S concerns and the immediate need for temporary accommodation, it was decided to relocate the SES operations into demountable buildings within the former garbage depot building adjoining the current Council Depot as other no suitable sites were available at short notice.

The site is advantageous due to its capacity to cater for the fleet vehicles and personnel, as well as having existing functional amenities. The occupancy by SES is anticipated to have minimal impacts to the community due to the existing use of the premise by Council for operational fleet. No structural changes will be made to the building and all operations will be contained within the building.

It is however acknowledged that a suitable permanent site will need to be identified given the sale of the existing depot site at Carlotta Avenue and relocation of the Council depot to Suakin Street.

Options for rectification and a possible permanent site will be the subject of a separate report to Council in 2007.

CONSULTATION

Council has engaged professional services of structural engineers, Appleyard Forrest and geotechnical engineers, Jeffery & Katauskas to report on the condition of the building and stability of the ground respectively.

Consultation has taken place with the Regional Controller of the Sydney Northern Division and the Ku-ring-gai Local Controller for the SES in relation to the report findings and relocation sites.

FINANCIAL CONSIDERATIONS

Details of total costs for the temporary relocation including setup are set out in Table 1.0 as **Attachment B**. In summary these are:

- Option 1A Hire of buildings assuming 18 month period, total estimated cost \$62,960.
- Option 1B Hire of buildings assuming 24 month period, total estimated cost \$76,480.
- Option 2. Purchase of buildings and resale, total estimated cost \$55,350. Initial costs would be approximately \$90,000.

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Purchasing and resale gives an overall lower cost outlay than either the 18 or 24 months hire period, based on a 50% salvage resale value. The value range of 60-65% shown was based on buildings exposure to construction industry use and hence resale percentage may be greater, but a conservative estimate of 50% has been adopted.

Rates used are based on a single supplier. Quotation for the supply would be sought in accordance with Council's purchasing policy, and it is anticipated these costs would be lower. Consequently a budget for the maximum estimated amount of \$90,000 is requested to be funded from Council's Contingency Reserve.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place between staff from Technical Services and Finance and Business regarding funding availability.

SUMMARY

Engineering reports in 1992, 1995 and 2000 have documented the movement in the SES building due to settlement. The period between the latter two reports was reported as having significant movement due to differential settlement, however performance was also noted as relatively good given the in-situ conditions.

In December 2005, the structural integrity of the SES Building was further investigated by, Appleyard Forrest. The key issues raised from this report were;

- Significant structural problems potentially resulting in collapse of some structural walls.
- OH&S concerns for SES staff using the building.
- Geotechnical advice required regarding settlement prediction and impacts.
- Installation of temporary propping immediately.

As a consequence, a number of actions were taken to address these concerns:

- Appleyard Forrest was further engaged to provide plans on internal structural supports, and in the areas of the main administration these were installed in April 2006.
- Jeffery & Katauskas was engaged to undertake a geotechnical investigation of the SES headquarters, and completed in August 2006.

To address the OH & S concerns, it is considered necessary to relocate SES officers from their current building and temporarily locate them in an alternative building. This relocation was considered necessary based on the findings of the report.

- In the opinion of Jeffery & Katauskas, overall, future settlement would be significant and may be equivalent to past settlement, and
- Jeffery & Katauskas concur with recommendation by Appleyard Forrest to demolish the entire building and reconstruction as the most practical option.

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Relocation of the SES into demountable buildings within the former garbage depot building is the only solution given the OH&S concerns, immediacy for temporary accommodation and lack of available sites at short notice. Reports have been supplied and meetings held at the proposed area with the Regional Controller of the Sydney Northern Division and the Ku-ring-gai Local Controller for the SES.

Cost for the relocation and setup are estimated at \$90,000 and it is recommended that funding be made available from Council's Contingency Reserve. Quotation for the supply would be sought in accordance with Council's purchasing policy.

A suitable permanent site will however need to be identified given the sale of the existing depot site at Carlotta Avenue and relocation of the Council depot to Suakin Street.

RECOMMENDATION

- A. That Council endorses the relocation of the SES operations into demountable buildings within the former garbage depot building at Carlotta Avenue Gordon..
- B. That Council approves a budget of \$90,000 to be funded from the Council's Contingency Reserve with any funds from the resale of the buildings to be transferred back to this reserve.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments: **A. Extract from J&K Geotechnical investigation of the SES headquarters, August 2006 - 702721**
 B. Cost for Temporary relocation of SES Headquarters - 703377



surface was present. BHs 103, 104, 106 and 107 encountered fill to shallow depths between 0.3m and 0.8m, which comprised sandy gravel and gravelly sand.

In BHs 105 and 108, fill was encountered to the termination depth of the boreholes at 3m. The fill comprised sandy gravel, gravelly sand and silty clay, with inclusions such as sandstone gravel, rubble, glass, organic matter, metal, rope, plastic and netting. The fill was of variable compaction with N values ranging from 4 to 31.

In BHs 103, 104, 106 and 107, sandstone was encountered below the fill and was generally assessed to be distinctly weathered and of low then medium strength.

4.2.3 Laboratory Test Results

The laboratory moisture content test results generally confirmed our field assessment of rock strength.

5 COMMENTS AND RECOMMENDATIONS

5.1 Ongoing Settlement Below SES building

The results of this investigation confirm the subsurface conditions below the SES headquarters building that were encountered during the 1989 geotechnical investigation. The site is underlain by a deep profile of highly variable fill that contains deleterious materials that will continue to breakdown or decompose over time.

Significant settlement of the fill has occurred since the building was constructed and we infer that the settlement would continue. The damage to the building has been the result of the differential settlement and would have induced greater damage due to the full brick construction adopted for the building, which is not considered a light and flexible form of construction.



Due to the highly variable nature of the fill, it is difficult to predict the magnitude of on-going settlement that is likely to occur. However, given the depth and variability of the fill we would infer that such settlement would be significant and may even be equivalent to the settlement that has occurred to date. Overall, we would not expect the future settlements to be minimal.

5.2 Rectification of Existing SES Building

The report by Appleyard Forrest details three options for possible rectification of the building, and these options are discussed below in regard to geotechnical aspects.

Option 1: Demolish in Part and Construct Lightweight Structure

This option would involve demolition of the load bearing walls that have moved and reconstruction of the walls using lightweight materials. However, Appleyard Forrest recommended that this option would only be suitable if future settlements of the slab are minimal, but we would expect significant settlements to occur even if the walls are reconstructed using lightweight materials. Therefore, adoption of such an option would only represent a short term fix, with future damage likely to occur in the future requiring further works in the future. We do not recommend this option for this site.

Option 2: Demolish in Part, construct Lightweight Structure and Underpin Slab

This option would involve works similar to Option 1, plus underpinning of the slab to found within the underlying bedrock.

The adoption of this option would result in better performance of the building, as the majority of the structural loads would be transferred to the bedrock. However, since the slab was not designed as a fully suspended slab all of the loads would not be able to be transferred to the piles and some movement would still occur; although significantly less than if underpinning was not carried out. We agree with Appleyard



Forrest that the use of a grout or chemical injection below the slab to lift the uneven sections would not prevent future settlement below the slab, and hence, do not recommend such works.

Furthermore, such underpinning works would be difficult and costly, as both the external and internal portions of the building would need to be underpinned. The depth of the fill ranges from about 5.5m to more than 11m and contains many obstructions and a large piercing rig would be required to drill such underpinning piers. Access would need to be created for such a large rig and would involve demolition of considerable portions of the existing building and surrounding compound. Difficulties would be experienced if bored piers were adopted due to obstructions within the fill and collapse of the poorly compacted fill layers. Auger, grout injected (CFA) piles or displacement type piles could be used, but refusal due to obstructions may still occur.

Option 3: Demolish Entire Building

We agree with the recommendation given by Appleyard Forrest that demolition of the existing building and reconstruction would be the most practical option. This option may be more cost effective taking into account the difficulties of Options 1 and 2 and the reduced ongoing maintenance costs that would be incurred for this option.

Following demolition of the existing building a new building could be constructed either on the same site taking into account the settlement issues of the existing fill or on a new site outside the deep landfill.

If a new building was to be constructed on the existing site, we would again strongly recommend that it be designed with a fully suspended floor slab supported on piles founded below the fill and within the sandstone bedrock. However,



difficulties with construction of the piles through the fill must be expected, as detailed above.

The construction of a new building supported on a rigid raft slab founded within the fill may be considered, but the full recommendations given in our previous report (Ref: 7012J/hr) should be followed in design and construction of the raft. These recommendations include the adoption of a light and flexible building that can tolerate significant differential movements, excavation to a depth of at least 0.6m prior to construction of the raft, frequent full-height articulation joints within the structure, etc.. If this is adopted, it is recommended that specific geotechnical advice be obtained during the design process, possibly with geotechnical review of the design drawings prior to construction. It must be remembered that even if a rigid raft is adopted to support a light and flexible structure, there will always be a risk of poor building performance due to settlement of the fill. The fill will continue to settle over time, even under light loads, and the magnitude of the settlement cannot be accurately predicted due to the highly variable nature of the fill.

We recommend that in order to achieve good building performance and reduce the above construction difficulties of piles through the deep fill, that the location of the new building be moved to where only shallow fill is present above the sandstone bedrock. If this was the case, then shallow pad or strip footings or short piers could be adopted to support the structure and minimal settlement would be expected for footings supported within the sandstone bedrock. Further comments on the design of a new building and the extent of the landfill are provided below.

5.3 Extent of Landfill

The exact extent of the landfill could not be determined within the limited scope of this investigation, but the results of BHs 103 to 108 provide a general indication of the approximate boundary of the landfill.

Table 1.0. Temporary Relocation of SES Headquarters

Base 1 - Fixed

Item	Description	Cost
1	Ancillaries: Power, Communication, IT	\$ 12,000
2	Amenities Kitchen, Toilets	Council
3	Equipment Storage Racking system (Dismantling, Transport & Setup)	\$ 5,400
	Relocation & Transport	\$ 5,000
	Total	\$ 22,400

Base 2 - Variable

				Option 1A	Option 1B	Option 2
Item	Description	Qty	Rate (\$/wk)	Hire Cost (18 Mths)	Hire Cost (24 mths)	Purchase Cost
1	Accommodation requirements Demountable buildings. Room Use and sizes:-					
	§ Recreation (12m x 3m)	1	120	\$ 9,360	\$ 12,480	\$ 15,000
	§ Local Controller (6m x 3m)	1	60	\$ 4,680	\$ 6,240	\$ 8,900
	§ Rescue & Administration (9.6m x 3m)	1	100	\$ 7,800	\$ 10,400	\$ 12,000
	§ Operations & Call Centre (2 off 12m x 3m joined)	2	120	\$ 18,720	\$ 24,960	\$ 30,000
	Sub Totals			\$ 40,560	\$ 54,080	\$ 65,900
	(1)Salvage revenue (50%)			\$ -	\$ -	\$ 32,950
	Net Total cost			\$ 40,560	\$ 54,080	\$ 32,950

(1) Salvage revenue after two years of 60-65% advised by Suppliers. Adopt 50%

Summary

	Option 1A	Option 1B	Option 2
Base 1 - Fixed (Ancillaries, Amenities, Equipment Storage, Relocation & Setup)	\$ 22,400	\$ 22,400	\$ 22,400
Base 2 - Variable (Demountable Building)	\$ 40,560	\$ 54,080	\$ 65,900
Total outlay	\$ 62,960	\$ 76,480	\$ 88,300

CAPITAL WORKS PROGRAM FOR STORMWATER DRAINAGE FOR 2006 TO 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval of a Capital Works Program for Stormwater Drainage for 2006-2007.
BACKGROUND:	Council has reviewed its stormwater management plans and its flooding and drainage program. Catchment Plans were completed for Cowan Creek, Middle Harbour Creek and Lane Cove River. These enabled the development of a prioritisation matrix for future works and a provisional rolling Capital Works Program.
COMMENTS:	<p>In terms of stormwater quantity issues, the studies found that 40% of the pipe system fails to meet Council's capacity requirement of 20 year average recurrence interval (ARI) and in some areas 79% of inlet pits do not have sufficient inlet capacity to drain flows from the 5 year ARI storm. Some of the proposals in the prioritisation matrix require further investigation into their practicality and feasibility or have an unacceptably low benefit cost ratio.</p> <p>Fifteen locations have been identified where pit inlets can be easily rectified, generating significant benefits at relatively low cost. These projects make up the proposed Drainage Capital Works Program for 2006-2007.</p> <p>A rolling three year program for 2007-2010 will be developed following further review of the provisional program.</p>
RECOMMENDATION:	That Council adopts the 2006-2007 Stormwater Drainage Program.

PURPOSE OF REPORT

To seek Council's approval of a Capital Works Program for Stormwater Drainage for 2006-2007.

BACKGROUND

In 2002, Council commenced a review of its stormwater management plans and its flooding and drainage program. This resulted in the need to prepare local catchment plans of the entire Ku-ring-gai local government area that considered flooding, drainage and water quality concurrently. Plans were completed by consultants for Cowan Creek and Middle Harbour Creek in 2004, and for Lane Cove River in 2006.

The catchment plans addressed both stormwater water quantity and water quality issues and enabled the development of a prioritisation matrix for future works and a rolling three year Capital Works Program for 2006-2009.

In order to address these issues, about 240 schemes were identified with a total estimated cost of \$36 million.

On 14 March 2006, Council resolved to provisionally adopt the prioritised 3 year rolling Drainage Capital Works Program subject to investigation, validation and further review.

COMMENTS

While the consultants' plans addressed both stormwater quantity and water quality, the focus of this report is on the development of a program to resolve stormwater quantity (potential flooding) issues.

In terms of water quantity the two major factors governing the performance of a drainage system are the capacity of the pipes and the capacity and number of inlet pits. The studies found that about 40% of the pipe system fails to meet Council's capacity requirement of 20 year average recurrence interval (ARI) and in some areas 79% of inlet pits do not have sufficient inlet capacity to drain flows from the 5 year ARI storm.

A review of the adopted provisional Drainage Capital Works Program has found that some of the proposals require further investigation as to their practicality and feasibility. Investigation into other projects has found that some should be deferred and reviewed because the benefit cost ratio is unacceptably low.

Field investigation has identified pits at fifteen locations which can be easily rectified in the short term, generating significant benefits at relatively low cost. It is proposed that the reconstruction of the inlets to these pits forms the Drainage Capital Works Program for 2006-2007. A copy of the program is **attached**.

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29 November 2006

The studies characterised stormwater quality issues as being dominated by problems on residential land reflecting the high degree of connection of impervious areas to the stormwater system, with few pollution “hotspots”. There were 43 sites identified in terms of water quality concerns with a total gross pollutant load of 220 tonnes discharging into receiving waters.

In addition to dealing with “hotspot” sources of pollutants, the consultants investigated and developed concept designs for integrated catchment management strategies for:

1. Bicentennial Park and the surrounding catchment;
2. Auluba Reserve;
3. West Pymble Public School playing fields; and
4. The Glade Oval.

Following further review of the provisional program, a rolling three year program for 2007-2010 will be developed which is considered feasible and which maximises the benefit to Council and residents. Consideration will be given to projects having multiple benefits with regard to asset protection, water reuse, improved water quality and reduced discharge into bushland.

CONSULTATION

No public consultation has been undertaken in the preparation of this report.

FINANCIAL CONSIDERATIONS

An amount of \$312,800 is included in the 2006-2010 Council Management Plan for drainage works in 2006-2007. Complementary funding for selected projects will be available from the Environmental Levy.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services and Open Space staff have worked together to develop this program

SUMMARY

Council has reviewed its stormwater management plans and its flooding and drainage program. Catchment Plans were completed for Cowan Creek, Middle Harbour Creek and Lane Cove River. These enabled the development of a prioritisation matrix for future works and a provisional rolling Capital Works Program.

In terms of stormwater quantity issues, the studies found that 40% of the pipe system fails to meet Council’s capacity requirement of 20 year average recurrence interval (ARI) and in some areas 79% of inlet pits do not have sufficient inlet capacity to drain flows from the 5 year ARI storm.

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29 November 2006

Some of the proposals in the prioritisation matrix require further investigation into their practicality and feasibility or have an unacceptably low benefit cost ratio.

Fifteen locations have been identified where pit inlets can be easily rectified, generating significant benefits at relatively low cost. These projects make up the proposed Drainage Capital Works Program for 2006-2007.

A rolling three year program for 2007-2010 will be developed following further review of the provisional program.

RECOMMENDATION

That Council adopts the 2006-2007 Stormwater Drainage Program as attached.

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Peter Davies
Manager Sustainability & Natural Environments

Steven Head
Director Open Space & Planning

Attachments: **2006 to 2007 Stormwater Drainage Program - 703285**

STORMWATER DRAINAGE CAPITAL WORKS PROGRAM 2006-2007

STREET	SECTION FROM	STRATEGY	SUBURB	WARD	ESTIMATED COST
KILLEATON ST	NEAR NO 91	INSTALLATION OF 1050 MM DIA. PIPE	ST IVES	ST IVES	65,000
CARCOOLA RD	NEAR NOS 11 & 16	1 NEW 2.4 M GRATED INLET	ST IVES	ST IVES	10,000
GRIFFITH AV	NEAR NO 25	2 NEW 2.4 M GRATED INLETS	ROSEVILLE	ROSEVILLE	10,000
HIGHFIELD RD	NEAR NO 125A	2 NEW 2.4 M GRATED INLETS	LINDFIELD	ROSEVILLE	12,000
BEAUMONT RD	NEAR NO 8	1 NEW 2.4 M GRATED INLET	E LINDFIELD	ROSEVILLE	6,000
CHARLES ST	NEAR NO 18	1 NEW 2.4 M GRATED INLET	E LINDFIELD	ROSEVILLE	6,000
KENDALL ST	NEAR NO 64	2 NEW 2.4 M GRATED INLETS	E LINDFIELD	ROSEVILLE	12,000
VALE ST	NEAR NO 18	1 NEW 2.4 M GRATED INLET	GORDON	GORDON	6,000
BEACONSFIELD PD	NEAR NO 30	1 NEW 2.4 M GRATED INLET	LINDFIELD	ROSEVILLE	12,000
SHADDOCK AV	NEAR NO 7	1 NEW 2.4 M GRATED INLET	W PYMBLE	GORDON	6,000
SHADDOCK AV	NEAR NO 6	2 NEW 2.4 M GRATED INLETS	W PYMBLE	GORDON	6,000
BINALONG ST	NEAR NO 16	2 NEW 2.4 M GRATED INLETS	W PYMBLE	GORDON	6,000
BINALONG ST	NEAR NO 15	2 NEW 2.4 M GRATED INLETS	W PYMBLE	GORDON	6,000
CHARLES ST	NEAR NO 33	REDIRECT FLOW TO EASEMENT	E LINDFIELD	ROSEVILLE	6,000
BOBBIN HEAD RD	K&G AND PIPING TO CONTROL FLOODING AT EDEN RIDGE & SCHOOL AND CREATE STORMWATER HARVESTING FOR RE-USE		N TURRA	WAHROONGA	70,000
BUSHLANDS AV	NEAR NO 50	1 NEW 2.4 M GRATED INLET	GORDON	GORDON	6,000
MEMORIAL AVE	NEAR NO 55	INCREASE INLET CAPACITY	ST IVES	ST IVES	60,000
BRISTOL AV	NEAR NO 15	NEW INLET PITS	PYMBLE	GORDON	10,000
					315,000

PROPOSED BOUNDARY VARIATION FOR THE SYDNEY KU-RING-GAI FIRE DISTRICT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider a proposal to vary the boundaries between the Sydney Fire District and Ku-ring-gai Rural Fire District.
BACKGROUND:	<p>A Fire Service Joint Standing (FSJS) Committee was formalised in 1998 to critically review the jurisdictional boundaries between the two State's fire services.</p> <p>On 21 December 1999, Council adopted a report agreeing to the variation of boundaries.</p> <p>In March 2006, agreement was reached by the NSW Fire Brigade and the NSW Rural Fire Service for boundary changes and will replace the previous boundary.</p> <p>A report was tabled at Council's meeting of 12 September 2006 to consider a proposal to vary the boundaries, was deferred for further advice on whether the boundary changes would impact on the Fire Prone mapping.</p>
COMMENTS:	<p>The proposal has been endorsed by the FSJS Committee to transfer pockets of bushland to the NSW Rural Fire Service and to add urban areas to the Fire Brigade.</p> <p>The Rural Fire Service has confirmed the bushfire prone map is independent of the fire services boundaries map.</p> <p>Council resolution is required to endorse the changes and enable these to be Gazetted.</p>
RECOMMENDATION:	That Council advises the Sydney Fire District and the Ku-ring-gai Rural Fire District of its agreement to the revised boundaries and that Council authorises the General Manager to sign the Master Map Number 037/06/01 showing the revised boundaries.

PURPOSE OF REPORT

To consider a proposal to vary the boundaries between the Sydney Fire District and Ku-ring-gai Rural Fire District.

BACKGROUND

On 21 December 1999, Council considered a report for proposed changes to the boundaries between the Sydney Fire District and the Ku-ring-gai Rural Fire District and resolved to accept the revised changes. The changes were designed to transfer remnant pockets of bushland to the jurisdiction of the Rural Fire Service. Orders for these changes were made 27 April 2000, and published in Government Gazette No. 55.

The report also explains the establishment of a Fire Service Joint Standing Committee (FSJSC) by the Minister for Emergency Services that was formalised in 1998. The purpose of this Committee was to critically review the jurisdictional boundaries between the two State's fire services.

In March 2006, agreement was reached between the NSW Fire Brigade and the NSW Rural Fire Service for boundary changes to replace the previous boundary.

A report was tabled at Council's meeting of 12 September 2006 to consider a proposal to vary the boundaries and Council resolved:

"That the matter be deferred for further advice on whether the proposed boundary changes would have any impact on the bushfire-prone land map."

COMMENTS

In terms of process, an agreed position for variation to the boundary was reached by the NSW Fire Brigade Zone Commander and the NSW Rural Fire Service District Manager for the Hornsby Ku-ring-gai District for the Ku-ring-gai Local Government Area.

The position has been arrived at according to a series of procedures:

- Consideration of Agreed Principles (for implementing boundary changes) endorsed by the Fire Services JSC.
- Consistency with the key recommendations of the Ministers Fire Services Task force.
- Submission to and Endorsement by the Review and Policy Sub-Committee of the Fire Service JSC.

The proposed changes only affect operations of the two State's fire services, and have little or no effect on the provision of effective fire services to the residents of Ku-ring-gai.

Item 20

S02542
27 November 2006

The areas proposed to be varied occur along the eastern and northern interface of urban and bushland areas of Ku-ring-gai as shown on Map Number 37/06/1 as **Attachment 1**. Shown on the attached map, the changes are identified by cross hatching and letters to help clarify the proposed changes.

Further advice on whether the proposed boundary changes would have any impact on the bushfire-prone land map was received from the NSW Rural Fire Service in a letter dated 4 October 2006. It advises;

- *The bushfire prone land map is independent of the fire services boundaries map.*
- *The Fire Services map shows who the primary combat authority is, while the bushfire prone land map acts as trigger for DA's to be assessed.*

A copy of this letter is attached as **Attachment 3**.

Changes to the boundary between the fire districts require an order to be published in the NSW Government Gazette. A resolution of Council is required to agree to the proposed changes and to enable the General Manager to sign the Map to be submitted to the Governor for approval.

CONSULTATION

A meeting was held on 2 August 2006 between the NSW Fire Brigade Zone Commander, the NSW Rural Fire Service District Manager, Council's General Manager and the Local Emergency Management Officer to discuss the proposed boundary variations. The Map (**Attachment 1**) and Memorandum dated 22 June 2006 (**Attachment 2**) were presented at this meeting. Further written advice was requested by Council and is contained in a letter dated 4 October 2006 (**Attachment 3**).

FINANCIAL CONSIDERATIONS

The proposed boundary changes agreed to by the NSW Fire Brigades and the NSW Rural Fire Service only affect operations. As such, there will be no financial impact upon Ku-ring-gai Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

On 21 December 1999, Council resolved to accept changes to the boundaries between the Sydney Fire District and the Ku-ring-gai Rural Fire District. Orders for these changes were made 27 April 2000 and published in Government Gazette No. 55.

Item 20

S02542
27 November 2006

Following a process of consultation by the two State's fire services, an agreed position for variation to the boundary was reached in March 2006 by the NSW Fire Brigade and the NSW Rural Fire Services that will replace the previous gazetted boundaries.

The areas proposed are shown on Map Number 37/06/1 as **Attachment 1** and only affect operations of the two State's fire services. The bushfire prone land map is independent of the fire services and each map has different roles.

Changes to the boundaries between the fire districts require an order to be published in the NSW Government Gazette. A resolution of Council is required to agree to the proposed changes and to enable the General Manager to sign the Map to be submitted to the Governor for approval.

RECOMMENDATION

- A. That Council advises the Sydney Fire District and the Ku-ring-gai Rural Fire District of its agreement to the revised boundaries.
- B. That Council authorises the General Manager to sign the Master Map Number 037/06/1 showing the revised boundaries.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments:

- 1. Fire District Map Number 037/06/01 - 657689**
- 2. Memorandum dated 22 June 2006 - 664540**
- 3. Letter from NSW Rural Fire Service dated 4 October 2006 - 679706**

NEW SOUTH WALES FIRE BRIGADES PROPOSED SYDNEY - KU-RING-GAI FIRE DISTRICT CHANGES



MAP NUMBER 037/06/1

Agreement was reached for these boundary changes on 14th March 2006
and will replace the previous boundary

Approved

[Signature]

for NSW RFS on 14/3/2006

for NSWFB on 14/3/2006

for Ku-Ring-Gai Council on 1/ /2006

LEGEND

Fire District Boundary

(A) NSW Fire Brigade Proposed Additions

(B) Proposed Excisions

Cadastral Land Parcel



DISCLAIMER
The information provided in this map
has been provided in good faith.
Whilst every effort has been made to
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of the information, the data providers
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Land and Property Information NSW
NSW Fire Brigades

Prepared by the NSW Fire Brigades, Spatial Information Coordinator March 2006



FIRE SERVICES JOINT STANDING COMMITTEE



REVIEW AND POLICY SUB COMMITTEE

MEMORANDUM

Supt Ken Hayes
Zone Commander, Zone N2

The Review and Policy Sub Committee has considered the proposed boundary variation for the Sydney Ku-Ring-Gai Fire District. The proposal conforms to the guidelines for the review of Fire District boundaries and may now be forwarded to Council for endorsement. In providing endorsement Council are to be requested to signify same by way of a letter and to also sign the working map provided by the Zone Commander and the Fire Control Officer.

Graham Dewsnap
Assistant Commissioner
NSW Fire Brigades

Mark Crosweller
Assistant Commissioner
NSW Rural Fire Service

Date: 22 June 2006

Date: 22 June 2006

All communications to be addressed to:

NSW Rural Fire Service
Hornsby/Ku-ring-gai Rural Fire Service
PO Box 472
HORNSBY NSW 2077

NSW Rural Fire Service
Hornsby/Ku-ring-gai Rural Fire Service
143 Galston Road
HORNSBY HEIGHTS NSW 2077



Telephone: (02) 9485 5000

Facsimile: (02) 9485 5052

e-mail: firstname.lastname@rfs.nsw.gov.au

Ian Taylor
Manager, Support Services
Ku-ring-gai Council
Locked Bag 1056,
PYMBLE NSW 2073

Our Ref:

Your Ref:

04 October 2006

Dear Ian

BUSHFIRE PRONE BOUNDARIES

I write with reference to Councils inquiry of the likely impact of RFS and NSW Fire Brigade boundary changes on the bushfire prone boundaries.

The bush fire prone map is independent of the fire service boundaries map. The fire services map purely shows who the primary combat fire authority is. The Ku-ring-gai bush fire prone map acts as a trigger for Development Applications to be assessed in accordance with Planning for Bushfire protection.

Yours faithfully

Angelo Baldo
**Superintendent
District Manager**



Moving towards a

FIREWISE

Community

10 YEAR FINANCIAL MODEL

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the 10 Year Financial Model 2007 to 2016 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

BACKGROUND:

The 10 Year Financial Model was first adopted by Council on 4 December 2001 and is reviewed on an annual basis.

Council's 2006-2010 Management Plan requires the 10 Year Financial Model to be reviewed and reported to Council by December 2006.

The 10 Year Financial Model was presented to Councillors at the Finance Committee held on 4 December 2006.

COMMENTS:

The 10 Year Financial Model provides the framework for the development of Council's annual budget. It contains a core set of assumptions. The first year of the model is Council's budget as adopted in the 2006-2010 Management Plan. Years two to 10 are calculated by extrapolating the budgets across each of the remaining years using these core assumptions.

RECOMMENDATION:

That Council adopt the principles as contained in the 10 Year Financial Model and incorporate them into the development of the 2007/2008 budget and Management Plan.

PURPOSE OF REPORT

To present to Council the 10 Year Financial Model 2007 to 2016 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

BACKGROUND

The 10 Year Financial Model was first adopted by Council on 4 December 2001. At that time the model was developed out of the need to establish principles to ensure the long term financial sustainability of Council whilst ensuring that Council would continue to provide existing levels of service to the community.

The 2006-2010 Management Plan requires that a formal report be presented to Council to review and update the 10 Year Financial Model. The requirement as contained in the Management Plan is as follows:

Principal Activity:	Financial Sustainability
Objective:	To ensure the financial sustainability of Council which allows for efficient service delivery and the effective management of Council's assets, now and in future years
Action:	A 10 year financial model setting the parameters for Council's Financial Framework will be adopted
Performance Indicator:	10 Year Financial Model reviewed and adopted by Council by December 2006

In accordance with these requirements, the 10 Year Financial Model was presented to Councillors at the Finance Committee on 4 December 2006 and is now reported to Council for formal consideration.

The 10 Year Financial Model provided the framework upon which the 2006/2007 budget was developed and will continue to provide the framework for future budget development.

COMMENTS

The 10 Year Financial Model contains a core set of assumptions. These assumptions are based on CPI forecasts, interest rate expectations, employee award increases and loan repayment schedules.

MODEL 2007/2008

The first year of the model is the budget as adopted by Council in the 2006-2010 Management Plan. The following years are calculated by extrapolating the budgets across each of the remaining years using the core assumptions.

The core assumptions as contained in the 10 year financial model are as follows:

Revenue:

- Rates, infrastructure levy and environmental levy increases by CPI plus 0.3% (as pegging limits have historically been higher than CPI), plus an additional 0.3% for growth
- Domestic waste charges increased by CPI
- User charges and fees increased by 0.75% of CPI
- Interest on investments estimated at 6.30% in 2007/08 then based on projections from Access Economics
- Grant revenue increased by CPI
- New borrowings capped at \$1,000,000 per annum
- Section 94 revenue as per Section 94 Contributions Plan budget expectations
- Bus Shelter Income commences in 2008/09 at \$250K, and is increased annually by CPI and allocated to Internal Reserves
- No asset sales are used to fund operations
- No new levies used to fund operations

2004-2009 Section 94 Plan

Income of \$50.1M has been factored into the base model, which includes contributions to be received from Council's most recently adopted Section 94 Plan.

Capital costs for the works to be undertaken, excluding other sources of funding such as grants, total \$52.9M. Cash commitments identified in the 2004-2009 Section 94 have been factored into the model.

Expenditure:

- Employee costs:
 - Salary and wages increased by CPI plus 1%.
 - Workers' compensation insurance premiums increased by CPI plus 0.5%
 - Superannuation holiday for Retirement Scheme assumed to cease in 2008/09
- Operating expenses increased by CPI
- Materials and contracts increased by CPI

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5 December 2006

- Statutory levies increased by CPI
- Interest and principal repayments are in accordance with repayment schedules. Future loans are calculated and based on projection from Access Economics.

Capital Projects

The model allows for a core capital works program that incorporates the following programs:

Road Rehabilitation	\$4,545,485	Indexed by CPI
Planning Projects	\$262,526	Indexed by CPI
Business Centre Improvements	\$194,269	Indexed by CPI
Golf Course Improvements	\$262,526	Indexed by CPI
IT Initiatives	\$105,011	Indexed by CPI
Drainage Works	\$319,652	Indexed by CPI
Footpath Works	\$397,150	Indexed by CPI
Traffic Facilities	\$154,470	Indexed by CPI
Parks Development	\$210,021	Indexed by CPI
Sportsfield Refurbishment	\$336,034	Indexed by CPI
Playground Refurbishment	\$157,516	Indexed by CPI
Tree Planting	\$126,013	Indexed by CPI
Catchment Analysis	\$105,011	Indexed by CPI
Catchment Management	\$157,516	Indexed by CPI
Swimming Pool Refurbishment	\$300,000	\$550K 2007/08–2008/09 and \$2M 2013/14–2014/15
Tennis/Netball Court Refurbishment	\$341,600	\$2.2M 2007/08–2014/15
Depot Relocation	\$10,000,000	
Plant & Fleet Replacement	\$1,050,000	
Total	\$19,024,800	

In addition to this program there is \$1.9M allocated annually to Environmental Projects, funded from the Environmental Levy.

This brings the total of capital works and projects funded in the 10 year model in 2007/2008 to \$20,917,487.

It should be noted that Council may wish to make adjustments to the mix of the above capital works programs. At this stage the indicative program has been built into the model as a guide to the organisations funding capabilities, based on current operating expenditure and a core capital works program.

A workshop will be held with Councillors in February 2007 to review the proposed program. Any variations resulting from the workshop will subsequently be reported to Council for further consideration.

Other Strategies

The 10 Year Financial Model also contains funding strategies which plan for the future by setting aside funds in restricted asset reserves. These initiatives include:

- 15% of Council's depreciation liability is transferred to depreciation reserves on an annual basis. This amount is indexed by CPI.
- Interest earned on Council's depreciation reserves is restricted back into those reserves.
- 0.5% of general rate revenue is maintained in Council's contingency reserve to fund unforeseen or emergency expenditure requirements.
- Reductions in debt servicing costs are restricted to Works of Direct Community Benefit on an annual basis.
- Net debt repayments are to be made each year, that is, the amount taken up in new borrowings is to be less than the principle repayments made during the same year.

2007/2008 Base Model

- Contains the core assumptions and projects as listed above.

This model provides for a surplus of \$69,454 in 2007/2008.

A copy of this model and the associated assumptions is **attached** as Appendix A.

What is not incorporated into the model?

The 2007/2008 base model does not incorporate funding implications that may arise as a result of urban planning activities currently being undertaken by Council. Variations to the baseline model to reflect these considerations will be developed with Councillors and staff in February 2007.

OUTCOMES OF THE 10 YEAR FINANCIAL MODEL

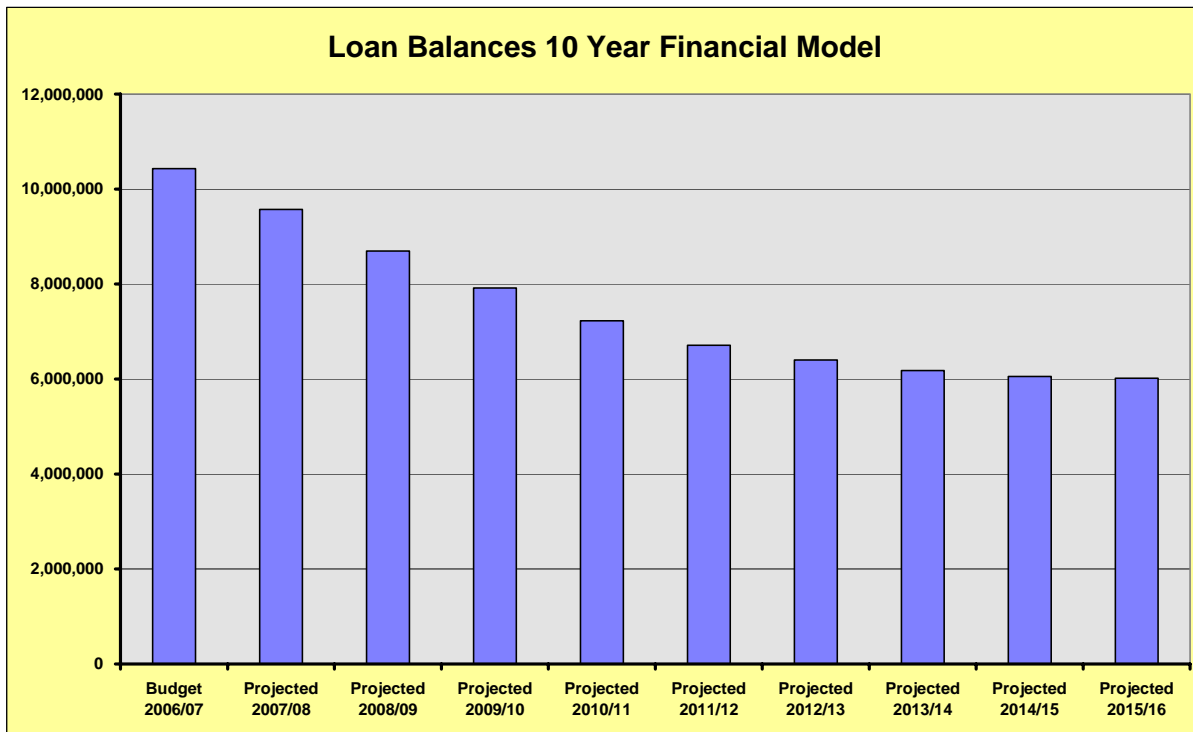
The core assumptions contained in the 10 Year Financial Model will deliver the following outcomes to Council:

Loans

In line with Council's debt reduction strategy, Council's loan liability will reduce from \$10.4 million at the end of the 2006/2007 financial year to \$6 million at the end of the 2015/2016 financial year. The reduction in Council's debt liability is shown in the following graph:

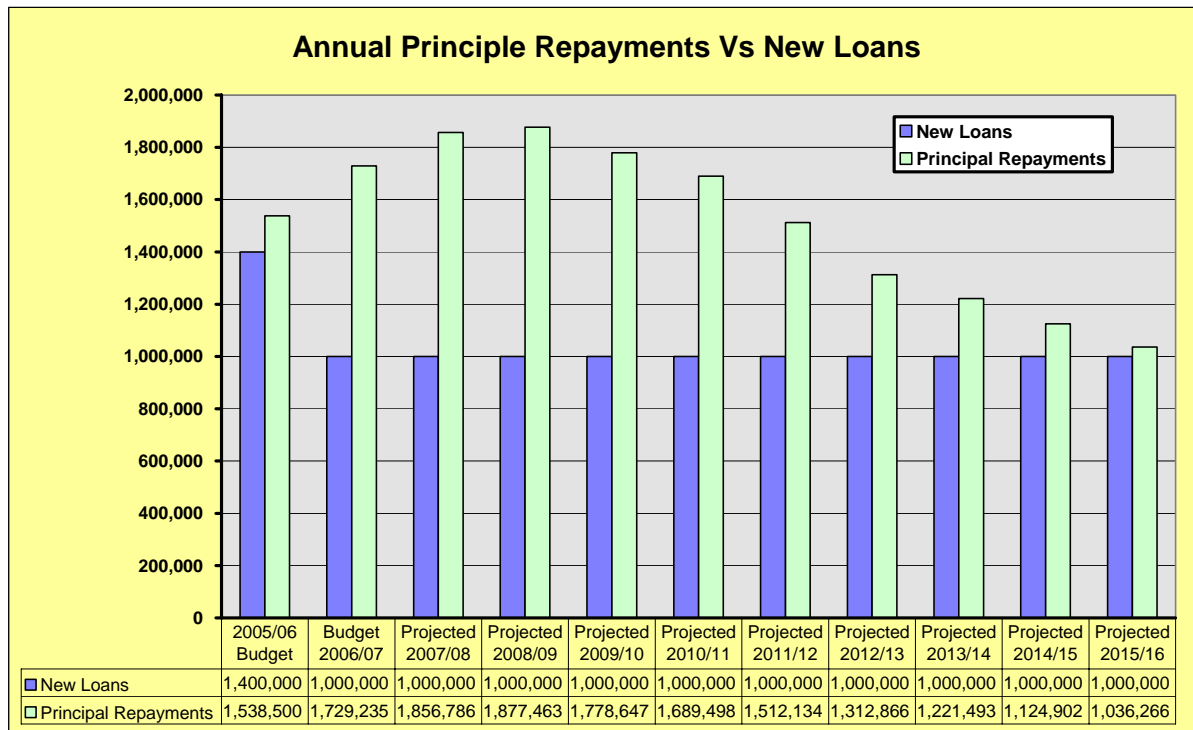
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Debt repayments for the period 2006/2007 – 2015/2016 total \$15.1 million, while new loans taken up are only \$10 million, a net debt repayment of \$5.1 million.

The following graph illustrates the relationship between annual principal repayments versus new loans taken up for the period 2006/2007 – 2015/2016:



Debt Service Ratio

The debt service ratio assesses the degree to which operating revenues are committed to the repayment of debt. It is reported in the Annual Financial Statements and is calculated by:

$$\frac{\text{interest plus principal repayments}}{\text{total revenue less specific purpose grants}}$$

Council's debt service ratio will reduce from 5.6% in 2003/2004 to 1.5% at the end of 2015/2016.

The reduction in debt service ratio is a result of Council's strategy to reduce new borrowings during the life of the model.

Reductions in Debt Servicing Costs

The 10 Year Financial Model also includes an initiative to restrict any reductions achieved in debt servicing costs to Works of Direct Community Benefit. The base year for this initiative was 2001/2002.

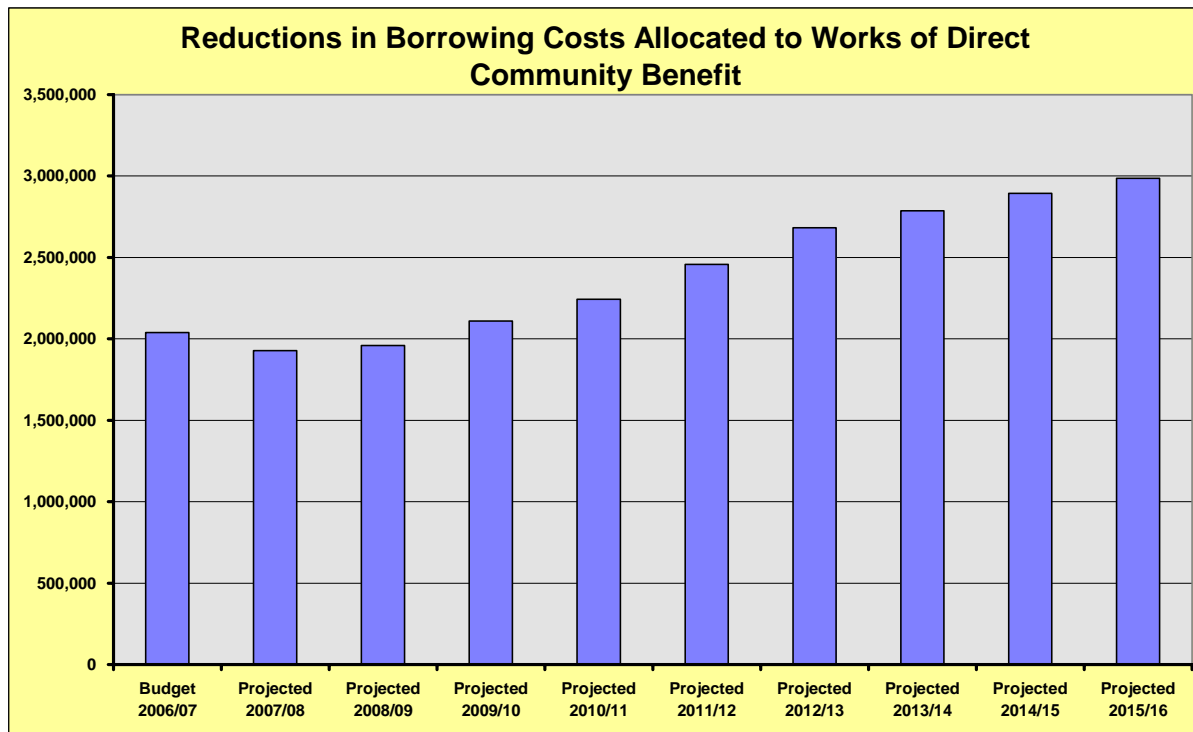
Debt servicing costs in the base year 2001/2002 totalled \$4.4 million. In the following years the difference between the base year 2001/2002 and each subsequent year's debt servicing costs are allocated to Works of Direct Community Benefit.

In 2007/2008, \$1,927,050 will be restricted to Works of Direct Community Benefit.

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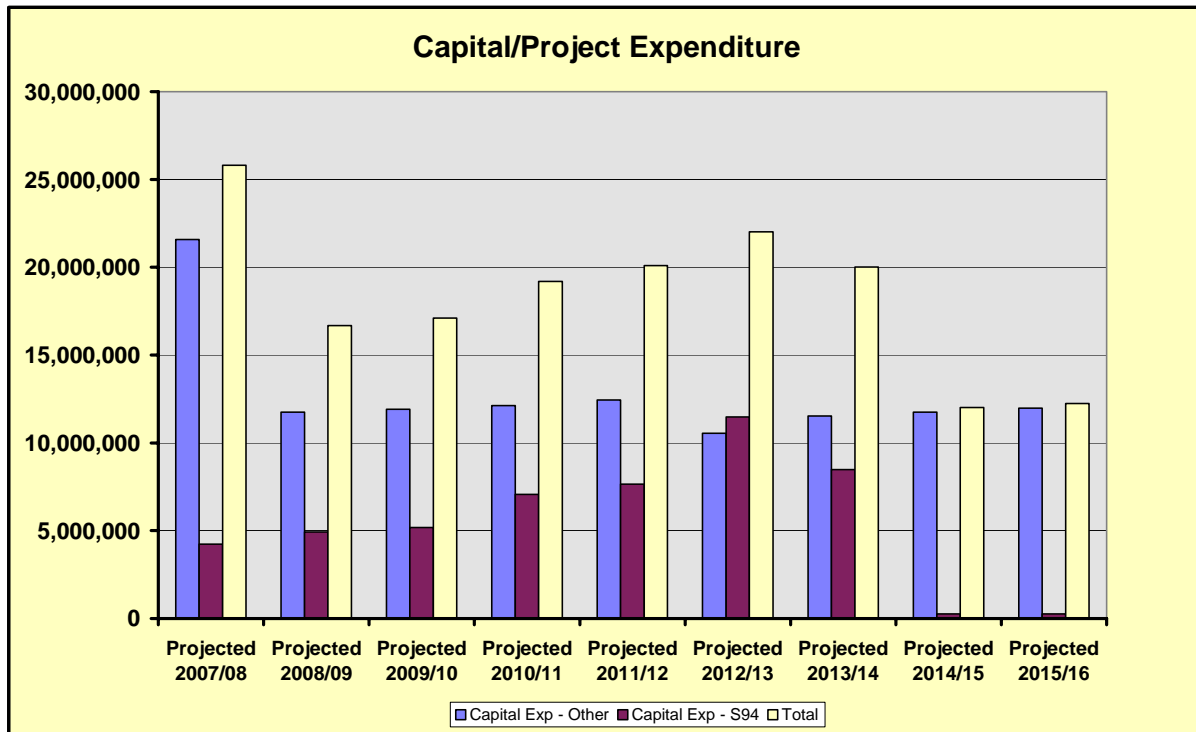
Between 2006/2007 and 2015/2016, \$24 million will be allocated to Community Benefit Works as a result of this initiative. The following graph shows the annual amounts that will be allocated to Works of Direct Community Benefit as a result of this initiative:



Capital Works

Capital works over the life of the model total \$180 million. This amount is made up of core capital works projects of \$127 million and \$53 million Section 94 funded projects in relation to Council's most recent contributions plan.

It does not include any discretionary projects. Council's annual capital works programs over the life of the model are illustrated in the following graph:

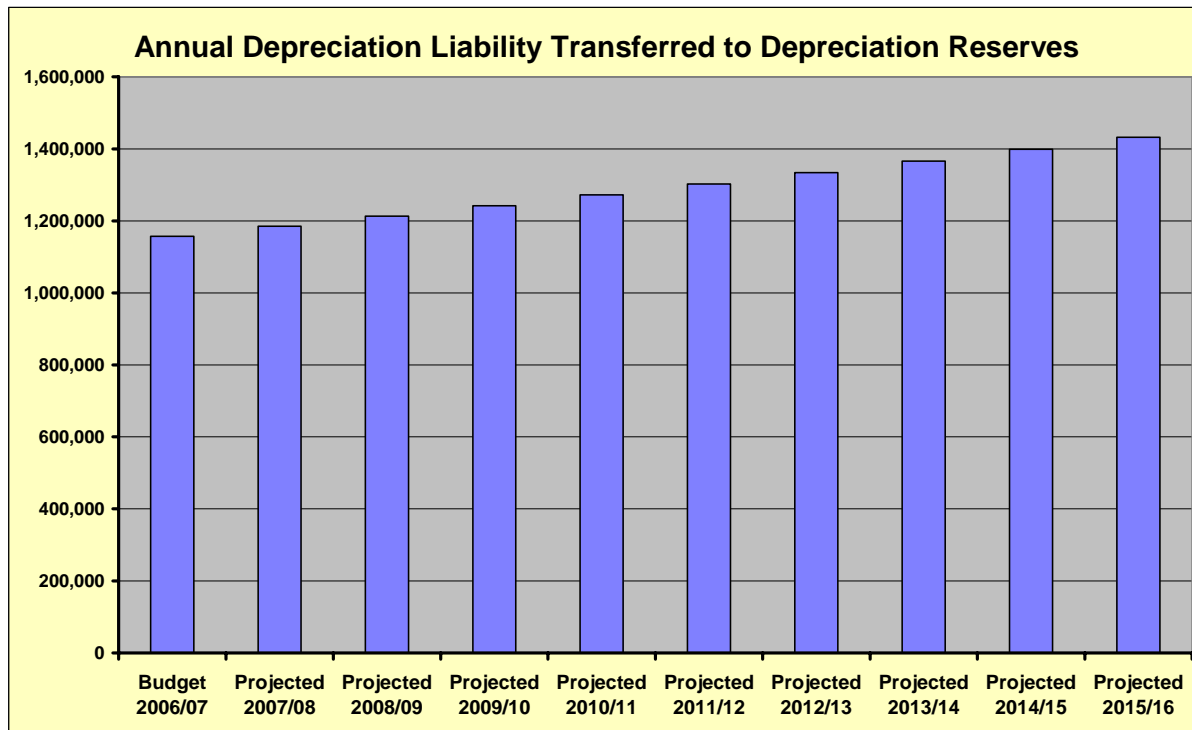


Depreciation

The 10 Year Financial Model allocates 15% of Council's depreciation liability (indexed by CPI) to depreciation reserves on an annual basis. These funds are set aside to fund future infrastructure asset rehabilitation and replacement programs. Over the life of the model this will contribute \$12.9 million to Council's depreciation reserves.

The following graph shows the annual amounts to be transferred to depreciation reserves.

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The allocation to depreciation reserves in 2007/2008 is \$1,184,890. It is recommended to allocate these funds to the following reserves:

➤ New Facilities	\$550,502
➤ Footpath reserve	\$209,715
➤ Drainage reserve	\$209,715
➤ Sportsfield Improvement	\$214,958
Total Allocation	\$1,184,890

It should be noted that an additional amount of \$269,037 (and indexed per annum thereafter) is allocated to the New Facilities Reserve in 2007/2008 to fund future capital works on Council's buildings.

Internal Reserves

In addition to the allocations made to Internal Reserves, Council has resolved to restrict interest earned on the new facilities and depreciation reserves back to those reserves. This is in addition to interest on Section 94 reserves that is required by statute to be calculated and restricted. Total interest on depreciation and Section 94 totals \$30 million over the life of the model.

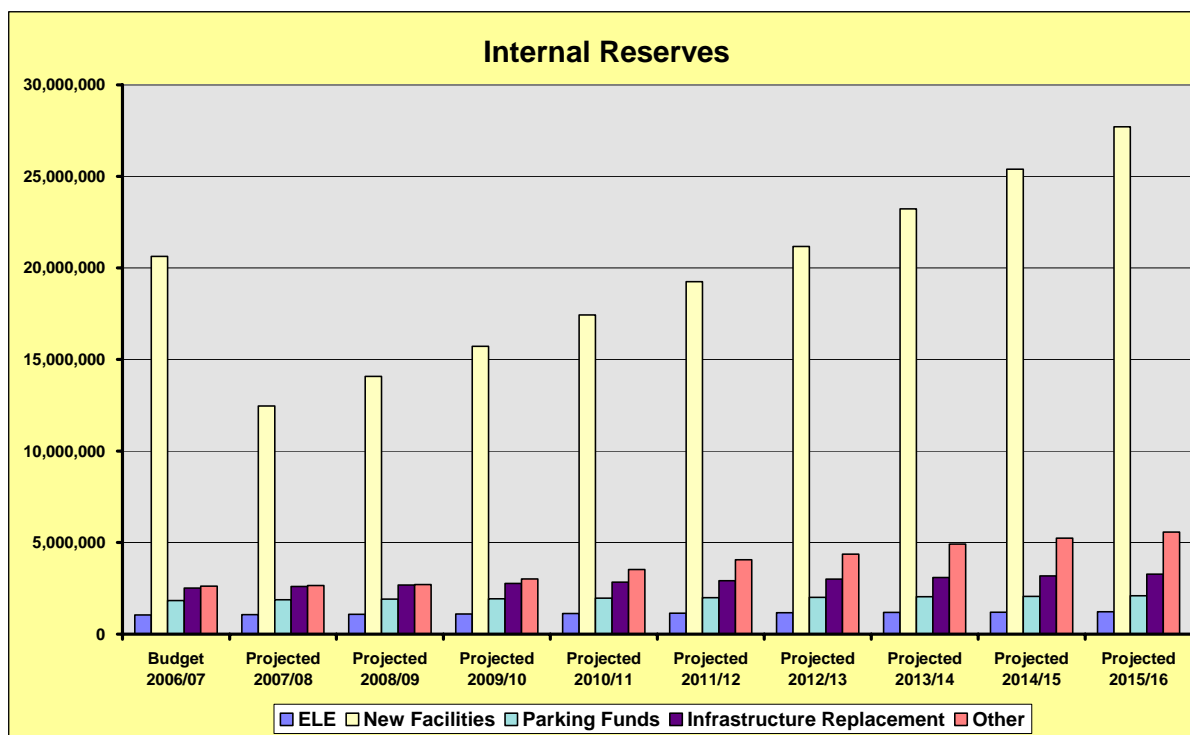
These funds provide additional funding options for Council's capital works program. At this point major capital expenditure items or other projects have not been included in the model. It is anticipated that the further discussion on these items will occur in relation to town centre planning

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and discussions with the New Facilities Committee. Once decisions have been made regarding the type, cost and timing of major projects in the future, the model can be updated to assess the impact on Council's financial position and determine which projects can be achieved and realistic timeframes.

The following graph shows the projected balance of Internal Reserves over the term of the model.



Other Initiatives

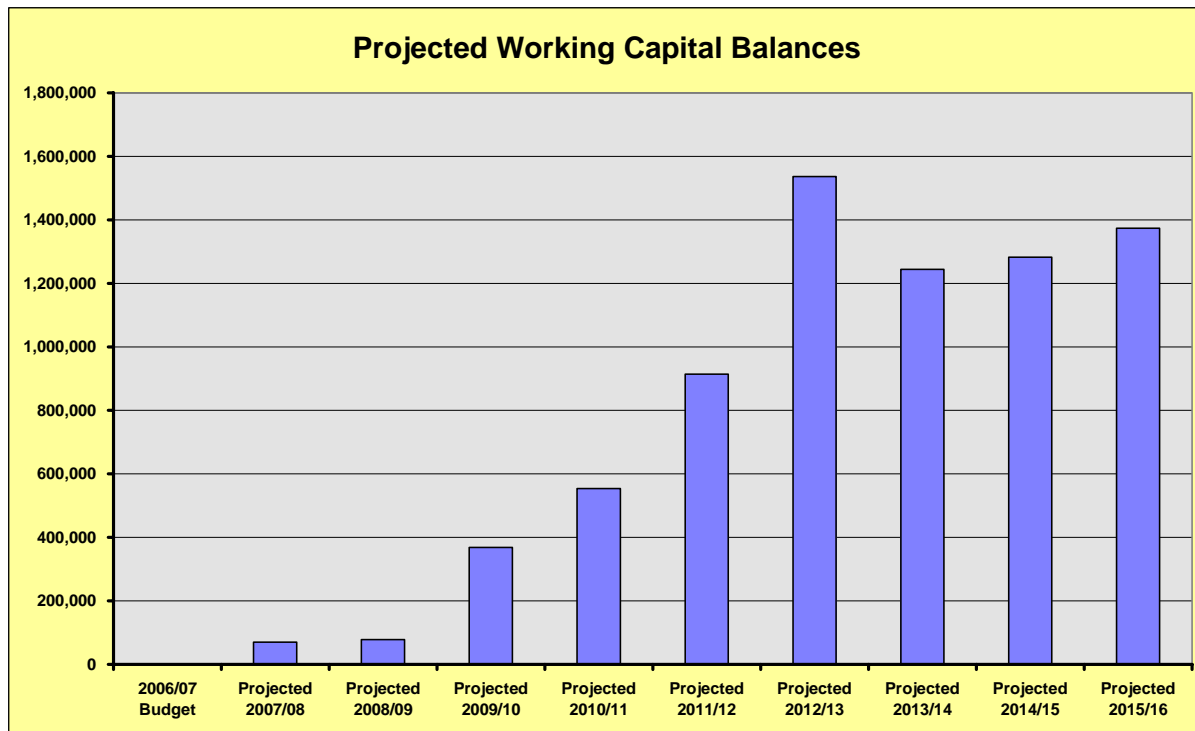
Working Capital is determined by taking net current assets less internally and externally restricted reserves and adding those current liabilities to be funded from the next year's budget. Essentially, Working Capital is a measure of Council's liquidity and ability to meet its obligations as they fall due. It is the primary measure of overall financial performance in Local Government.

As reported to Council on 17 October 2006, it is recommended that Council consider budgeting for a Working Capital balance of around \$1million. This will allow for unforeseen expenditure or reductions in revenue or other accounting adjustments that cannot be accurately estimated.

Examples include:

- Levels of hard core debtors
- Changes in GST Receivables
- Changes in the categorization of current/non current assets and liabilities
- The level of employee leave entitlements
- Changes in interest rates

Due to slight increases in Council's Operating Result over the life of the model, a level of Working Capital can be achieved that would be considered prudent to ensure that Council's day to day operations can be maintained. The following graph illustrates that by 2011/12 Council's Working Capital balance will be approximately \$950K. It is recommended that Council set future budgets to achieve and maintain that level of available Working Capital.



In addition to the above principles, the following initiatives are recommended to continue in future budgets:

- That 'windfall gains' continue to be allocated to Council's depreciation reserves at each quarterly budget review
- That operational savings identified by Technical Services and Open Space be restricted at year end to fund Capital Works in those departments

CONSULTATION

The 10 Year Financial Model was produced in accordance with information and advice received from the Access Economics and Grove Research & Advisory Services.

FINANCIAL CONSIDERATIONS

The core assumptions contained in the 10 Year Financial Model provide the framework for developing Council's annual budgets and longer term financial strategies.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have been consulted as part of the development of the 10 Year Financial Model.

SUMMARY

The 10 Year Financial Model was first adopted by Council on 4 December 2001. At that time the model was developed out of the need to establish principles to ensure the long term financial sustainability of the organisation whilst ensuring that Council would continue to provide existing levels of service to the community.

It contains a core set of assumptions – expenditure, revenue and capital expenditure, as well as funding strategies which plan for the future by setting aside funds in restricted asset reserves.

The 2006 - 2010 Management Plan requires that a formal report be presented to Council to review and update the 10 Year Financial Model by December 2006.

Highlights of the model include:

- Council's loan liability will reduce from \$10.4 million at the end of the 2006/2007 financial year to \$6 million at the end of the 2015/2016 financial year.
- Debt repayments over the life of the model total \$15.1 million, while new loans taken up are only \$10 million, a net debt repayment of \$5.1 million.
- Council's debt service ratio will reduce from 5.6% in 2003/2004 to 1.5% at the end of 2015/2016.
- \$24 million will be restricted to Works of Direct Community Benefit from reductions in debt servicing costs
- Capital works over the life of the model totals \$180 million
- \$12.9 million will be transferred to depreciation reserves over the life of the model
- Interest on depreciation and section 94 funds totalling \$30 million

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The primary aim of the Model is to test Council's long term financial sustainability and provide analysis on future capital expenditure. Financial implications of some projects are not included. Examples include:

- Town Centre Planning and associated facilities
- Major potential capital expenditures, other than the Depot relocation
- Some elements of S94 which will be dependent on adopting developer contribution strategies for the six major centres over the next 12 months

Based on the assumptions detailed in this report, the model shows that Council's existing operating and core capital budgets are sustainable in the long term. This allows for an acceptable level of Working Capital to be accumulated and maintained over the life of the model and a significant build up of internal reserves that can be utilised for major projects in the future. Once the details on Council's direction in terms of new facilities are determined the calculations of costs and timing of expenditure can be updated into the model to assess Council's capacity to deliver such projects.

RECOMMENDATION

That Council's 2007/2008 budget incorporate the following:

- A. Reductions in debt servicing costs are restricted to Works of Direct Community Benefit. This amounts to \$1,927,050.
- B. Interest earned on Council's depreciation reserves is restricted back to those reserves. This amounts to \$2.7 million.
- C. 0.5% of general rate revenue is transferred to Council's contingency (working fund) reserve to fund unforeseen or emergency expenditure requirements. This reserve to be capped at \$2 million.
- D. The allocation of Council's depreciation liability be transferred as follows:

New Facilities	\$550,502
Footpath reserve	\$209,715
Drainage reserve	\$209,715
Sportsfield Improvement	\$214,958
Total Allocation	\$1,184,890

- E. Net debt repayments of \$856,786.
- F. Indicative capital works program to include:

Road Rehabilitation	\$4,545,485
Planning Projects	\$262,526
Business Centre Improvements	\$194,269

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5 December 2006

Golf Course Improvements	\$262,526
IT Initiatives	\$105,011
Drainage Works	\$319,652
Footpath Works	\$397,150
Traffic Facilities	\$154,470
Parks Development	\$210,021
Sportsfield Refurbishment	\$336,034
Playground Refurbishment	\$157,516
Tree Planting	\$126,013
Catchment Analysis	\$105,011
Catchment Management	\$157,516
Swimming Pool Refurbishment	\$300,000
Tennis/Netball Court Refurbishment	\$341,600
Depot Relocation	\$10,000,000
Plant & Fleet Replacement	\$1,050,000
Total	\$19,024,800

- G. The capital works program identified in 'F' above will be subject to refinement by Council in February 2007 as outlined in this report.
- H. That 'windfall gains' continue to be allocated to Council's depreciation reserves at each quarterly budget review.
- I. That operational savings identified by Technical Services and Open Space be restricted at year end to fund Capital Works in those departments.
- J. That all Capital Works Programs are indexed by CPI annually.

John Clark
Acting Director Finance & Business

John McKee
General Manager

Attachments: Long Term Financial Plan - Base Model - 703849

STATEMENT OF FUNDING		LONG TERM FINANCIAL PLAN									
FINANCIAL FORECAST		2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Cash In											
Rates		37,889,000	39,458,782	40,563,628	41,942,791	43,117,189	44,410,705	45,743,026	47,115,317	48,528,777	49,984,640
Infrastructure Levy		1,914,000	1,986,732	2,042,360	2,111,801	2,170,931	2,236,059	2,303,141	2,372,235	2,443,402	2,516,704
Environmental Levy		1,958,000	2,032,404	2,089,311	2,160,348	2,220,838	2,287,463	0	0	0	0
Annual Charges:Domestic & Trade Waste		9,607,000	9,818,354	10,093,268	10,315,320	10,562,887	10,816,397	11,075,990	11,341,814	11,614,018	11,892,754
User Fees & Charges		15,526,400	15,968,902	16,304,249	16,970,008	17,327,128	17,717,372	18,116,406	18,524,428	18,941,640	19,368,249
Interest Income		2,763,500	3,793,492	3,881,117	3,885,264	4,179,542	4,421,424	4,203,655	3,954,140	3,986,124	4,229,501
Pensioner Rebate		-997,000	-1,006,970	-1,017,040	-1,027,210	-1,037,482	-1,047,857	-1,058,336	-1,068,919	-1,079,608	-1,090,404
Recurrent Grants		4,608,400	4,641,000	4,770,948	4,881,099	5,000,035	5,122,794	5,248,583	5,377,475	5,509,549	5,644,883
Contributions - Section 94 & C.T.W		4,726,000	9,451,140	9,451,140	9,451,140	14,176,710	734,750	734,750	734,750	734,750	734,750
Capital Grants		565,000	577,430	593,598	606,657	621,217	636,126	651,393	667,027	683,035	699,428
New Loans		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Asset Sales		0	0	0	0	0	0	0	0	0	0
Total Cash In		79,560,300	87,721,266	89,772,581	92,297,217	99,338,995	88,335,234	88,018,609	90,018,267	92,361,687	94,980,505
Cash Out											
Employee Costs		29,193,000	30,968,989	31,941,298	33,145,196	34,191,883	35,341,496	36,530,499	37,760,237	39,032,105	40,372,702
Operating Expenses		10,374,100	10,602,330	10,899,195	11,138,978	11,406,313	11,680,065	11,960,386	12,247,436	12,541,374	12,842,367
Materials and Contracts		16,377,100	16,737,396	17,206,043	17,584,576	18,006,606	18,438,765	18,881,295	19,334,446	19,798,473	20,273,636
Statutory Levies		2,392,700	2,438,409	2,497,865	2,545,888	2,599,429	2,654,256	2,710,398	2,767,887	2,826,756	2,887,039
Capital Acquisitions		644,300	658,475	676,912	691,804	708,407	725,409	742,819	760,646	778,902	797,596
Interest Expense		724,700	629,213	577,101	525,174	480,636	444,159	418,157	404,581	394,764	390,491
Principal Repayments		1,706,500	1,856,786	1,877,463	1,778,647	1,689,498	1,512,134	1,312,866	1,221,493	1,124,902	1,036,266
Total Cash Out		61,412,400	63,891,599	65,675,877	67,410,263	69,082,772	70,796,282	72,556,420	74,496,727	76,497,277	78,600,095
Headline Budget Surplus/(Deficit)		18,147,900	23,829,667	24,096,703	24,886,955	30,256,224	17,538,951	15,462,189	15,521,540	15,864,410	16,380,410
Funds To Restricted Assets		10,240,300	15,753,305	16,175,648	16,503,331	21,582,026	8,596,156	8,621,271	8,495,078	8,402,352	8,743,807
Funds To Depreciation Reserves		1,161,100	1,184,891	1,213,328	1,242,448	1,272,267	1,302,801	1,334,069	1,366,086	1,398,872	1,432,445
Operating Net Surplus/(Deficit)		6,746,500	6,891,472	6,707,727	7,141,175	7,401,930	7,639,994	5,506,850	5,660,376	6,063,186	6,204,158

STATEMENT OF FUNDING		LONG TERM FINANCIAL PLAN									
FINANCIAL FORECAST	4	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Projects (excluding S94)		21,847,300	20,917,487	11,075,312	11,223,613	11,416,750	11,718,037	9,807,720	10,771,050	10,974,356	11,182,540
Section 94 Funded Projects		3,327,300	4,237,300	4,929,760	5,189,520	7,066,820	7,649,000	11,473,225	8,479,000	255,700	255,700
Total Projects		25,174,600	25,154,787	16,005,072	16,413,133	18,483,570	19,367,037	21,280,945	19,250,050	11,230,056	11,438,240
Funded By											
General Fund		1,874,500	1,872,336	1,576,055	1,869,027	2,010,161	2,116,472	2,203,709	2,288,140	2,619,784	2,687,453
New Loans		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Infrastructure Levy		1,914,000	1,986,732	2,042,360	2,111,801	2,170,931	2,236,059	2,303,141	2,372,235	2,443,402	2,516,704
Environmental Levy		1,958,000	2,032,404	2,089,311	2,160,348	2,220,838	2,287,463	0	0	0	0
Sub Total (Operating Surplus)		6,746,500	6,891,472	6,707,727	7,141,175	7,401,930	7,639,994	5,506,850	5,660,376	6,063,186	6,204,158
Surplus Carried Forward		0	0	0	0	0	0	0	0	0	0
Section 94 Plan		30,825	31,503	32,385	33,098	33,892	34,705	35,538	36,391	37,265	38,159
Section 94 Pre Plan		0	0	0	0	0	0	0	0	0	0
Section 94 2004 Plan		3,327,300	4,237,300	4,929,760	5,189,520	7,066,820	7,649,000	11,473,225	8,479,000	255,700	255,700
Section 94 Future Plans		0	0	0	0	0	0	0	0	0	0
Other Restricted Assets		15,070,400	14,063,964	4,342,976	4,340,247	4,166,519	4,403,487	4,887,647	4,781,636	4,912,876	5,031,213
Net Surplus/(Deficit)		425	69,454	7,776	290,907	185,593	360,151	622,317	-292,646	38,973	90,992

DRAFT BUSHFIRE PRONE LAND MAP (2007)

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to exhibit the proposed draft Bushfire Prone Land Map for Ku-ring-gai Local Government Area.

BACKGROUND:

Section 146 of the Environmental Planning and Assessment Act (1997) and the NSW Rural Fire Service Bushfire Prone Land Mapping Guidelines – June 2006, requires councils to maintain and update a Bushfire Prone Land Map every five years. This report includes the proposed draft bushfire prone land map (2007) to be exhibited for public comment.

COMMENTS:

The proposed draft bushfire prone land map (2007) is a significantly improved map in terms of accuracy, based on more recent higher resolution aerial photography and extensive field investigations by staff. The proposed amended map has identified 13,205 bushfire prone properties which is 546 less than on the 2002 map. These changes have not reduced the impact on evacuation. As a result, the exclusion areas for SEPP – Seniors Living and SEPP 53, as identified on the 2002 map, are recommended to be retained.

RECOMMENDATION:

That Council approve the proposed draft Bushfire Prone Land Map (2007) for public exhibition and seek the approval of the Department of Planning to extend the Bushfire Evacuation Risk Map as previously resolved by Council and supported by the NSW Rural Fire Service.

PURPOSE OF REPORT

To seek Council's approval to exhibit the proposed draft Bushfire Prone Land Map for Ku-ring-gai Local Government Area.

BACKGROUND

The Bushfire Prone Land Map formally identifies land affected by a bushfire hazard and acts as a legislative trigger for the consideration of appropriate planning and development controls. These controls are contained within the document "Planning for Bushfire Protection" published by the Department of Planning in 2001 and subsequently adopted as a Regulation to the Rural Fires Act in August 2002. In accordance with section 146 of the Environmental Planning and Assessment Act (1997) and the NSW Rural Fire Service 'Guidelines for Bushfire Prone Land Mapping' (June 2006), councils are required to maintain and update a Bushfire Prone Land Map every five years.

On 28 February 2006, Council gave consideration to a report outlining the timetable and progress for the amendment to the Bushfire Prone Land Map, as certified by the Commissioner of the NSW Rural Fire Service in November 2002. At this meeting Council resolved to adopt the timetable and process for the review and that a draft map be considered by Council in November 2006. This report addresses this resolution and Attachment 1 provides a summary of the timetable and process to date. Notably this update is being funded by the Environmental Levy as reported previously to Council and supported by the community.

Guidelines

The NSW Rural Fire Service 'Guidelines for Bushfire Prone Land Mapping' (June 2006) was used as the basis for the review (Attachment 2). Bushfire prone land is defined as land likely to be significantly impacted by a bushfire, such land is classified as either a Category 1 or 2 hazard or bushfire prone buffer, where:

- Category 1 vegetation is defined as areas of forests, woodlands, heaths or wetlands greater than 1 hectare.
- Category 2 vegetation is defined as areas of forests, woodlands, heaths or wetlands, "less than 1 hectare that are within, or partially within 100m lateral separations from a bush fire vegetation category 1, or that are within or partially within 30m lateral separation from a bush fire vegetation Category 2 are classed as Bush Fire Vegetation Category 2" (page 7 of "Guidelines for Bushfire Prone Land Mapping").
- Bushfire prone vegetation buffer is defined as land that is cleared or otherwise managed within 100m of a Category 1 hazard or 30m of Category 2 hazard.

Under page 7 of the Guideline for Bushfire Prone Land Mapping, 2006 the following areas are excluded from the bushfire prone land map:

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1. “Areas of vegetation, less than 1 hectare and not less than 100m lateral separation from a Bush Fire Vegetation Category 1, or not less than 30m lateral separation from a Bush Fire Vegetation Category 2;
2. Areas of “managed grassland” including grassland on, but not limited to, grazing land, recreational areas, commercial/industrial land, residential land, airports/airstrips and the like are excluded;
3. Areas of managed gardens and lawns within curtilage of buildings;
4. Managed botanical gardens;
5. Agricultural lands used for annual and/or perennial cropping, orchard, market gardens, nurseries and the likes or;
6. Mangroves”

Current Status

Council's current map (certified by the Commissioner of the NSW Rural Fire Service November 2002) was developed using vegetation mapping data and low resolution aerial photography. Whilst accurate on the broader scale, the data sets were never designed for determining matters at the scale of individual lots. This has resulted in a significant number of properties being incorrectly identified as either bushfire prone or not. Furthermore, the aerial photo interpretation was not able to differentiate between tree canopy and structured vegetation capable of supporting bushfire.

Over the past four years, as development applications and inquiries have been received by Council staff, it has become increasingly apparent that the map contains inaccuracies in that it does not always reflect current conditions on the ground. This has resulted in over 90 cases that have sought or undertaken external consultant review as to the applicability of the encumbrance of a bushfire prone classification. Notwithstanding this error, it is important to recognise the map is based on vegetation that itself changes over time.

The proposed draft bushfire prone land map (2007) (Attachment 3) has been prepared with the use of recent high resolution aerial photography and extensive ground validation. As a result, the map more accurately depicts the location of significant bushfire hazards across the Ku-ring-gai Local Government Area (LGA), as identified at the time of inspection. The methodology adopted by Council Officers to undertake the review is outlined in Attachment 2.

COMMENTS

The proposed draft bushfire prone land map (2007) has significantly increased the accuracy of the current map and has incorporated relevant changes to land uses and conditions that have occurred since the previous map was certified in 2002. The proposed changes to the 2002 map are summarised in Tables 1 and 2.

Table 1 – Changes to the Bushfire Prone Land Map for the Ku-ring-gai LGA

	Category 1 Vegetation (ha)	Category 2 Vegetation (ha)	Total No. of Bushfire Prone Properties
2002 map	3,348.21	4.41	13,751
Proposed Draft Bushfire Prone Land Map	3,212.97	5.25	13,205
Proposed Changes	-135.24	+0.84	-546

Table 2 – Summary of changes to the affected land under the proposed draft bushfire prone land map (2007)

	Land-use	Category 1 Affected	Category 2 Affected	Buffer Affected	Total No. of Properties Affected
2002 Map	Residential	4,148	21	8,814	12,983
	Business	3	0	78	81
	Special Uses	51	2	92	145
	Recreation	404	7	92	503
	Other	14	0	25	39
Proposed Draft Bushfire Prone Land Map	Residential	3,096	92	9,292	12,480
	Business	6	0	57	63
	Special Uses	43	2	98	143
	Recreation	419	6	63	488
	Other	13	0	18	31
Net changes	Residential	-1,052	71	478	-503
	Business	3	0	-21	-18
	Special Uses	-8	0	6	-2
	Recreation	15	-1	-29	-15
	Other	-1	0	-7	-8
	Total	-1,043	70	427	-546

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Maps illustrating the changes for each catchment area across the Ku-ring-gai LGA are provided in Attachments 4, 6 & 8. A basic analysis of the Catchment areas is provided in Attachment 5, 7 and 9.

The review of the 2002 Bushfire Prone Land Map has resulted in a number of changes to the boundary of Category 1 and 2 vegetation classes across the Ku-ring-gai LGA. These changes fall into five broad groups:

1. **Minor boundary adjustments** – The majority of changes on the amended map are minor boundary adjustments which are a direct consequence of using high resolution aerial photography and/or undertaking detailed ground validation exercises. Typically these adjustments result in boundary shifts in the order of 1-20m.
2. **Change in land use** – Land use across Ku-ring-gai is in a constant phase of change. Some areas that once contained fire prone vegetation have been subject to development, clearing or management and no longer constitute a bushfire threat as provided for in the Planning and Bushfire regulations. The condition of the land on the day of mapping was recorded and forms the basis of the proposed draft bushfire prone land map (2007).
3. **Omissions from the 2002 map** – The 2002 Bushfire Prone Land Map failed to capture some parcels of land that represent a significant bushfire hazard. The availability of high resolution aerial photography and extensive ground validation has allowed for a more comprehensive analysis of bushfire hazards within the LGA. Hence, areas that had been overlooked in the past have been included on the proposed draft bushfire prone land map (2007).
4. **Inclusion of tree canopy in the 2002 map** – The 2002 Bushfire Prone Land Map has included a number of properties on the basis of the presence of tree canopy alone. This was a result of the low quality resolution of the aerial photo that could not identify the presence of shrub-layer or ground fuels that contribute to the bushfire risk. With the aid of higher quality resolution aerial photos and ground truthing, many of these properties have been removed from the amended map.
5. **Amendments to the mapping guidelines** - Changes to the guidelines for mapping bushfire hazards have resulted in the reclassification of some areas. In particular this has affected the classification of Category 2 vegetation.

An example of each of these issues with photographic evidence is depicted in Attachment 10.

Exclusion Zones

The 2002 Bushfire Prone Land Map for Ku-ring-gai is the only map in the State that incorporates a “Bushfire Evacuation Risk Map” affecting development potential. This prohibits additional SEPP 5, now known as SEPP Seniors Living, and SEPP53 developments. This planning control was made pursuant to section 146 of the *Environmental Planning and Assessment Act 1979* and is also referenced within DCP38. The rationale for this addition is that it recognises the poor access and egress in certain areas based on topography, road and lot layout and contain demographic characteristics.

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At Council's meeting on the 7 December 2004, it was resolved to seek approval from the Department of Infrastructure Planning and Natural Resources (DIPNR) to increase the planning controls, to provide protection for further vulnerable communities, such as schools and childcare centres, and to prohibit subdivision. DIPNR did not support this extension as it considered the proposal had not been adequately justified and therefore would not be prepared to recommend to the Minister that the Ku-ring-gai Planning Scheme Ordinance be amended. This advice was given on the understanding that the Bushfire Coordinating Committee and the NSW Rural Fire Service believed that the asset protection zones and appropriate construction standards would be unlikely to significantly increase the need for evacuation. Attachment 11 provides a full copy of the letter from DIPNR to Council on this matter.

Following this, on 20 June 2005 Council received correspondence from the NSW Rural Fire Service in support of 6 of the 10 additional exclusion zones previously resolved by Council. In this correspondence the Rural Fire Service also indicated a further two areas (not suggested by Council) where SEPP - Seniors Living exclusion zones would be appropriate, totalling an additional 8 exclusion area. A copy of the NSW Rural Fire Service correspondence is provided in Attachment 13 and maps illustrating the 8 new exclusion zones are depicted in Attachment 14. Support of exclusion zones is based on the difficulty associated with evacuating these areas during a bushfire due to significant constraints to access and egress.

Given the recommendation received by the Rural Fire Service it would be appropriate for Council to continue to seek approval from the Department of Planning for these areas to be added to the Bushfire Evacuation Risk Map. The correspondence received from the Rural Fire Service specifically addresses SEPP - Seniors Living development only, and no specific mention of other special protection developments (e.g. child cares centres, hospital or Schools) is made.

Planning implications

The Bushfire Prone Land Map and the Bushfire Evacuation Risk Map act as legislative triggers in the following ways:

- Under section 79BA of the *Environmental Planning and Assessment Act 1979* new dwellings or modification to existing dwellings are required to meet the standards outlined in *Planning for Bushfire Protection 2001*, including specific construction standards as detailed in AS3959-1999.
- Under section 91 *Environmental Planning and Assessment Act 1979* subdivision and types of development referred to as "special fire protection purposes" (SEPP Seniors Living, childcare centres, schools, hospitals etc) all become Integrated Development with regard to section 100B of the *Rural Fires Act (1997)*. These development types are required to meet specific construction and site standards as outlined in *Planning for Bushfire Protection 2001*.
- Any development submitted under State Environmental Planning Policy – Seniors Living is prohibited on land identified as Category 1. Within the Ku-ring-gai LGA this also applies to SEPP 53 - Metropolitan Residential Developments. This will continue to apply. The blue hatched areas on the 2002 Bushfire Prone Land Map for Ku-ring-gai furthers this planning

control in areas where the Department of Planning and the NSW Rural Fire Service have identified, evacuation to be a significant issue.

- Development Control Plan No. 38 makes particular reference to Bushfire Prone Lands when subject to proposed dwelling house development. Measures for appropriate landscaping treatment apply, as well as the need to address the provisions outlined in *Planning for Bushfire Protection 2001*. Similar measures apply to dual occupancy development under Council's Development Control Code for Dual Occupancy.
- Land parcels identified as being Bushfire Prone Land also have such a notation on the relevant section 149 Certificates.

CONSULTATION

The proposed draft bushfire prone land map (2007) (Attachment 3) has been prepared in accordance with the "Guideline for Bushfire Prone Land Mapping" (Attachment 2) produced by the NSW Rural Fire Service (NSWRFS) and a methodology developed by Council's Open Space staff, in consultation with the NSW Rural Fire Service. This has involved staff from both RFS Head Office and the Hornsby Ku-ring-gai District Office particularly the District Community Safety Officer. A copy of a letter from the NSW Rural Fire Service supporting the proposed draft bushfire prone land map (2007) is provided in Attachment 12. In light of the strategic importance of this process the consultation process to-date has sought:

- To ensure a consistent approach in the interpretation and application of the mapping guidelines;
- To ensure mapping processes are consistent with those used by other Councils in the district;
- To obtain an expert opinion on areas where the classification of land is unclear or potentially conflicting.

The Hornsby Ku-ring-gai Fuel Management Committee and the Bushland, Catchments and Natural Areas Reference Group have also been given regular updates on the progress of the proposed draft bushfire prone land map (2007).

Council's Technical Fire Mapping Officers have undertaken on-going consultation with members of the Ku-ring-gai community. This has included on-site meetings with residents, as requested, to inform them about the Bushfire Prone Land Map and its practical implications. To generate community interest in the process, the review of the proposed draft bushfire prone land map (2007) has been advertised on the Council's website and in the e-newsletter "Out in the Open".

Following Council's adoption of the proposed draft bushfire prone land map (2007) for public exhibition, further consultation will be undertaken. It is proposed that this map be placed on exhibition from 12 December 2006 until 9 February 2007 and will involve four public meetings (two midweek day-time meetings and two midweek evening meetings) where presentations will be given on mapping methodology and results. Large copies of the amended map will be placed on display and residents will be invited to make submissions. These maps will be made available on Council's website, at Council Chambers and the three (3) libraries throughout the LGA. For

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landowners whose properties have had an increase in the encumbrances as a result of the amended map, letters will be sent explaining the implications and consultative process. This is likely to affect 1280 residential, 11 business and 12 special use properties. Additionally letters notifying of the review will be forwarded to those people who have registered with Council an interest in the review of the map, including property owners and community groups.

Following the exhibition period, a report will be brought back to Council outlining any changes and recommended amendments to proposed draft bushfire prone land map (2007) prior to seeking a resolution of Council to refer this map to the NSW Rural Fire Service for their certification. Once final certification has been made, letters will be sent to affected land owners/ occupiers outlining how their property will be affected by the amended map.

FINANCIAL CONSIDERATIONS

The mapping, consultation and referral processes are fully funded by the Environmental Levy.

The implementation of the revised map may, however, impact on Council's planning and operational areas. From a planning and development control perspective, it is envisaged that the number of development applications that will need to consider the potential impact of bushfire on their property, or be referred to NSW Rural Fire Service, will decrease. In addition, the greater accuracy of this map should reduce subsequent appeals of decisions to any third party consultants and the Land and Environment Court.

Following the certification of the draft bushfire prone land map (2007) notification on section 149 certificates will need to be made. This will be achieved through the current capabilities of Council's Geographic Information System, and will represent an addition task for the Land Information Section.

In terms of development within bushfire prone land, there will be an economic impact in terms of permissible standards of construction, design and layout related to each site. This will only affect new dwellings, alterations and additions and not current buildings.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultations have occurred between Council's Planning and Development Control departments. The Technical Fire Mapping Officers have attended the team meetings of both departments to update staff on the progression of the amended Bushfire Prone Land Map.

SUMMARY

Council is required to update its current Bushfire Prone Land Map by November 2007. The proposed draft bushfire prone land map (2007) has identified 13,205 properties as bushfire prone which is 546 less than the current map identifies. These changes are a result of greater accuracy

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achieved through the availability of high quality aerial photography and extensive field investigations. As part of the consultation process for the new map, the proposed draft bushfire prone land map (2007) will be exhibited from the 12 December 2006 until the 9 February 2007 including holding four public meetings to discuss methodology and changes to the map. Consultation will also include advising property owners who have been identified as having an increase in encumbrances. After the exhibition period, comments and any proposed changes will be reported to Council with the final draft to be referred to the Commissioner of the NSW RFS for certification.

As part of the review process it is proposed that the Department of Planning is formally contacted and requested to add 8 additional SEPP Senior Living exclusion zones to the Bushfire Evacuation Risk Map, as recommended by the NSW Rural Fire Service. For other lands identified as being bushfire prone, encumbrances as per the *Environmental Planning and Assessment Act 1979*, *Rural Fires Act 1997* and *Planning for Bushfire Protection 2001* will remain.

RECOMMENDATION

1. That Council approve the proposed draft bushfire prone land map (2007) for public exhibition.
2. That public exhibition take place in the form of four public meetings (two, mid-week daytime meetings and two mid-week evening meetings) where the proposed draft bushfire prone land map (2007) will be displayed and residents given the opportunity to make submissions.
3. That the consultation period commence 12 December 2006 and conclude 9 February 2007.
4. That a report be referred to Council in February 2007 following the public exhibition to consider comments prior to final adoption.
5. That Council write to all property owners who have been identified as having an increase in encumbrances, as a result of the proposed draft bushfire prone land map (2007) and those who have registered an interest in the review of the map.
6. That Council request the Department of Planning to approve the additional SEPP – Seniors Living exclusion areas and planning implications to the current Bushfire Evacuation Risk as previously resolved by Council, supported by the NSW Rural Fire Service and lodged with the Department of Planning.
7. That the exhibition of the expansion to the Bushfire Risk Evacuation Map occur concurrently with the proposed Draft Bushfire Prone Land Map (2007).

Ben Hope
Fire Mapping Technical Officer

Patrick Schell
Fire Mapping Technical Officer

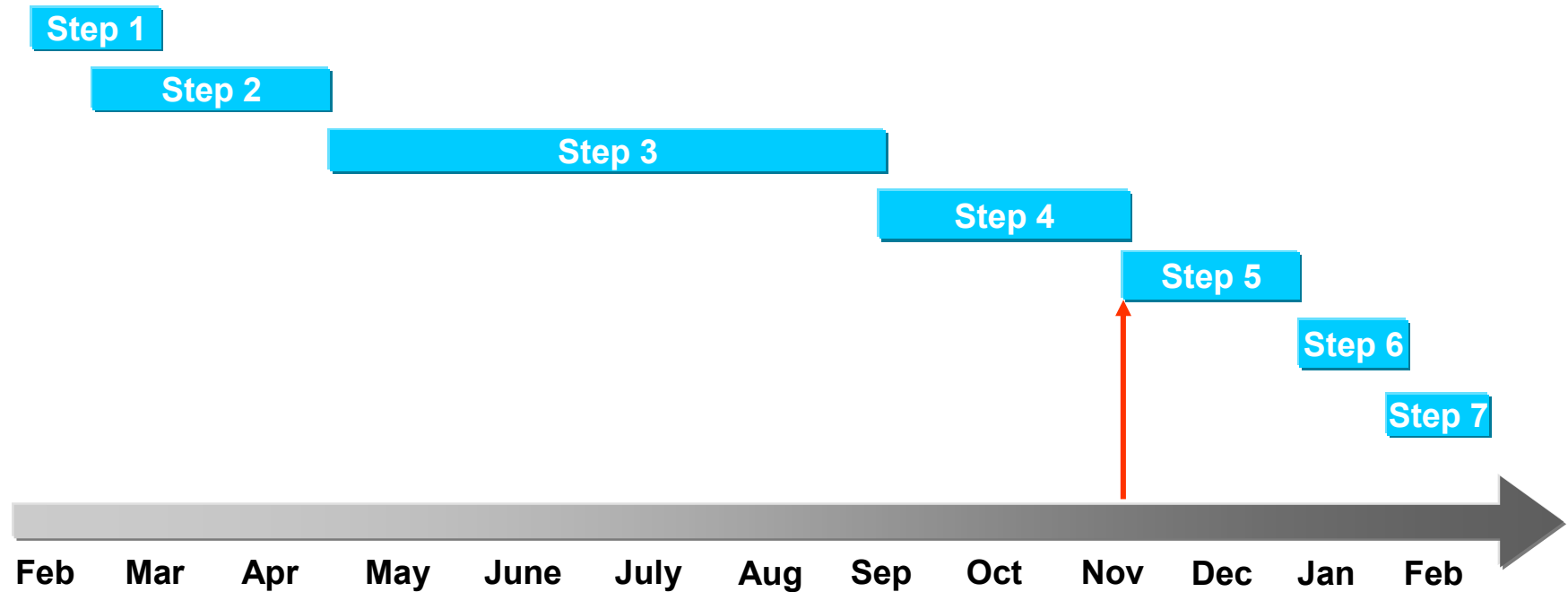
Peter Davies
Manager Sustainability & Natural Environments

Steven Head
Director Open Space & Planning

Attachments:

- 1. Mapping timetable and progress. 702091**
- 2. Bushfire Prone Land Mapping Methodology. 702093**
- 3. Proposed draft amended Bushfire Prone Land Map. 703089**
- 4. Map of Cowan Catchment. 703091**
- 5. Analysis of Cowan Catchment. 703090.**
- 6. Map of Middle Harbour Catchment. 703092**
- 7. Analysis of Middle Harbour Catchment. 703093**
- 8. Map of Lane Cove Catchment. 703094**
- 9. Analysis of Lane Cove Catchment. 703095**
- 10. Examples of Mapping Issues. 703096**
- 11. Letter from Department of Infrastructure, Planning and Natural Resources. 476420**
- 12. Letter of endorsement from the Hornsby Ku-ring-gai Rural Fire Service. 688218**
- 13. Report from NSW Rural Fire Service - Proposed SEPP 5 Exemption Areas - 509956**
- 14. Existing and proposed SEPP 5 exemption areas - 703766**

Attachment 1 -Mapping Timetable & Progress 06-07



Attachment 2 - Bushfire Prone Land Mapping Methodology

Introduction

A basic understanding of the methodology used to create Bushfire Prone Lands Map is required prior to consideration of the amended map. This attachment details the procedures undertaken by Ku-ring-gai Council staff. These methods are based on the NSW Rural Fire Service Bushfire Prone Land Mapping Guidelines (June 2006). A complete copy of these guideline is available on the internet at this address:
http://www.bushfire.nsw.gov.au/file_system/attachments/State/Attachment_20060719_787D3BF9.pdf

Step 1: Consult the Rural Fire Service

A meeting was arranged with NSW Rural Fire Service personnel on Wednesday the 29th of March 2006. In this meeting the proposed methodology was discussed to ensure the map would be consistent with the NSW Rural Fire Service Bushfire Prone Land Mapping Guidelines (June 2006).

Step 2: Desktop Analysis

Desktop analysis (air photo interpretation at 1: 1,000 scale) of the January 2005 aerial photography (purchased by Ku-ring-gai Council under licence from Sinclair Knight Mertz) was performed to create canopy map of the Ku-ring-gai area.

Step 3: Field Investigations

Field investigations were conducted using either laptops with a live GIS program or printed orthophoto maps. The entire urban / bushland interface as identified in Step 2 was inspected on foot. Vegetation structure was recorded in order to assign the vegetation to a category (either category 1 or 2) using the methods documented below (Guideline for Bushfire Prone Land Mapping, 2006). Findings were recorded and entered into the GIS system. Photographic evidence was taken at areas where significant changes in the map occurred.

Under the existing regulations and guidelines, vegetation is classified into groups, according to vegetation structure, or the preparation of a data set that forms the basis of the Bushfire Prone Lands Map, the groups are as follows:

Vegetation Group 1 – Forest

Vegetation Group 2 – Woodlands, heaths and wetlands

Vegetation Group 3 – Moist rainforests, shrubland, open woodlands, mallee and grasslands.

Within Ku-ring-gai the vegetation is generally Group 1 – Forest or Vegetation Group 2 –heaths.

Once the vegetation groups have been determined and mapped across the Council area these groups are categorised as follows:

Vegetation Group 1 and 2, greater than 1 hectare – bush fire vegetation category 1

Vegetation Group 3, greater than 1 hectare – bush fire vegetation category 2

Vegetation Group 1 and 2, less than 1 hectare - bush fire vegetation category 2

It is also important to note that there is a significant difference in the buffer distance applied to the Bushfire Vegetation data set. This difference greatly affects the number of properties that will finally be classified as Bushfire Prone Land.

Buffer distances depend on vegetation type and are:

Category 1 Vegetation (coloured orange) - buffer distance 100m.

Category 2 Vegetation (coloured yellow) - buffer distance 30m.

Step 4: Field Inspections with the NSW RFS

On Friday the 6th of October Patrick Schell, Ben Hope and Mark Arnfield of Ku-ring-gai Council met with Colin Manton District Community Safety Officer - Hornsby/Ku-ring-gai District - NSW Rural Fire Service. The meeting involved the inspection of a number of sites to ensure the methods used were deemed appropriate by the NSW RFS. This step was undertaken to ensure that any modifications to the map would be consistent with RFS guidelines, interpretations, planning protocols and other recently reviewed bushfire prone land maps across the state.

Step 5: Draft map exhibition

A draft copy of the map is submitted to Council for approval. After approval is granted by Council a period of public exhibition no less than 40 days is performed. In addition, public meetings will be held to formally present the amended map and the processes behind its preparation. The public will be invited to submit comments which will be addressed prior to final submission of the map to Council.

Step 6: Final approval of the Map

Final draft of the amended Bushfire Prone Land Map and supporting report will be submitted to Council for final approval.

Step 7 Submission of the Ku-ring-gai Bushfire Prone Land Map to the NSW Rural Fire Service

A final copy of the amended Bushfire Prone Land Map and supporting report will be submitted to the NSW Rural Fire Service for certification. Once certified the map will replace the existing Bushfire Prone Land Map.

Ku-ring-gai Council

DRAFT

Bush Fire Prone Land Map

Legend

- BUSH FIRE PRONE VEGETATION CATEGORY 1
- BUSH FIRE PRONE VEGETATION CATEGORY 2
- BUSH FIRE PRONE VEGETATION BUFFER 100m and 30m
- SEPPS EXCLUSION

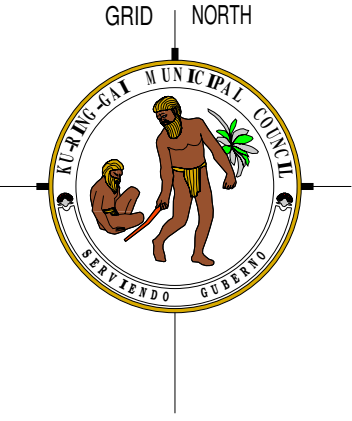
Information on this map was derived from Aerial Photos, Ground Surveys and Digital Contours and was produced using *Guidelines for Bush Fire Prone Land Mapping v2.0 20 Aug 2002* by NSW Rural Fire Service. Effort has been made to ensure the accuracy and completeness of the information. Council takes no responsibility for errors or omissions, nor any loss or damage which may have resulted from the use of this information.

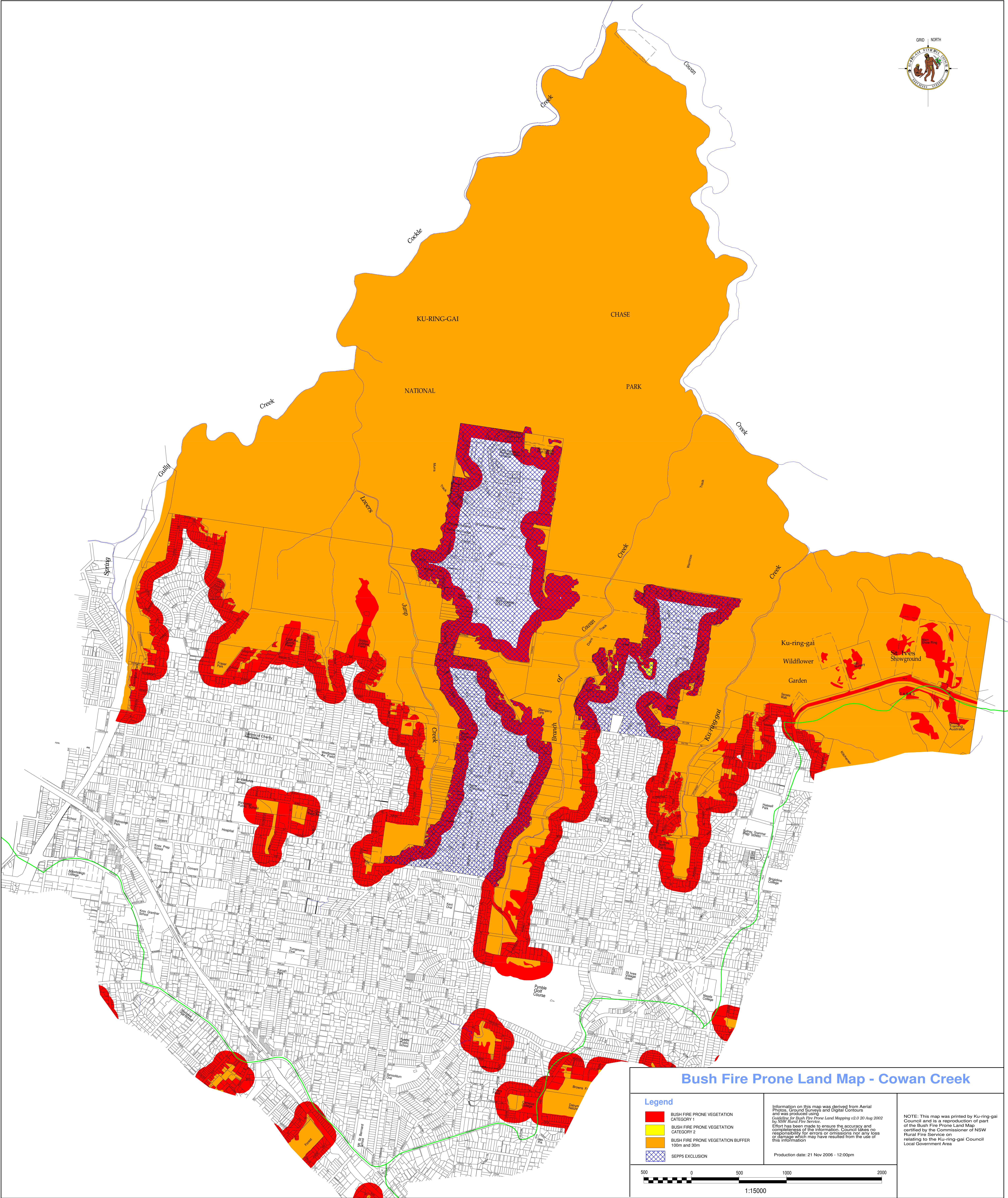
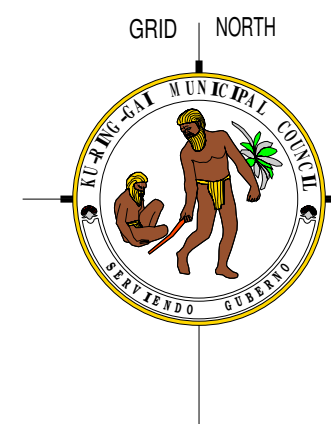
Production date: 27 Nov 2006 - 12:00pm

CERTIFICATION
For the purposes of Section 146(2) of the *Environmental Planning and Assessment Act 1979*, this map is hereby certified as being a Bush Fire Prone Land Map for the Local Government Area of Ku-ring-gai in NSW

Philip Christian Koperberg AM,AFSM,BEM.
Commissioner
NSW Rural Fire Service

Date:





Bush Fire Prone Land Map - Cowan Creek

Legend

- BUSH FIRE PRONE VEGETATION CATEGORY 1
- BUSH FIRE PRONE VEGETATION CATEGORY 2
- BUSH FIRE PRONE VEGETATION BUFFER 100m and 30m
- SEPPS EXCLUSION

Information on this map was derived from Aerial Photos, Ground Surveys and Digital Contours and was produced using *Guideline for Bush Fire Prone Land Mapping v2.0 20 Aug 2002* by NSW Rural Fire Service. Effort has been made to ensure the accuracy and completeness of the information. Council takes no responsibility for errors or omissions nor any loss or damage which may have resulted from the use of this information.

Production date: 21 Nov 2006 - 12:00pm



1:15000

NOTE: This map was printed by Ku-ring-gai Council and is a reproduction of part of the Bush Fire Prone Land Map certified by the Commissioner of NSW Rural Fire Service on relating to the Ku-ring-gai Council Local Government Area

Analysis of Cowan Catchment

Introduction

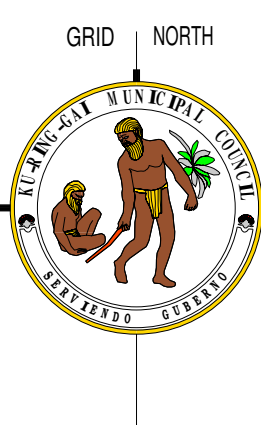
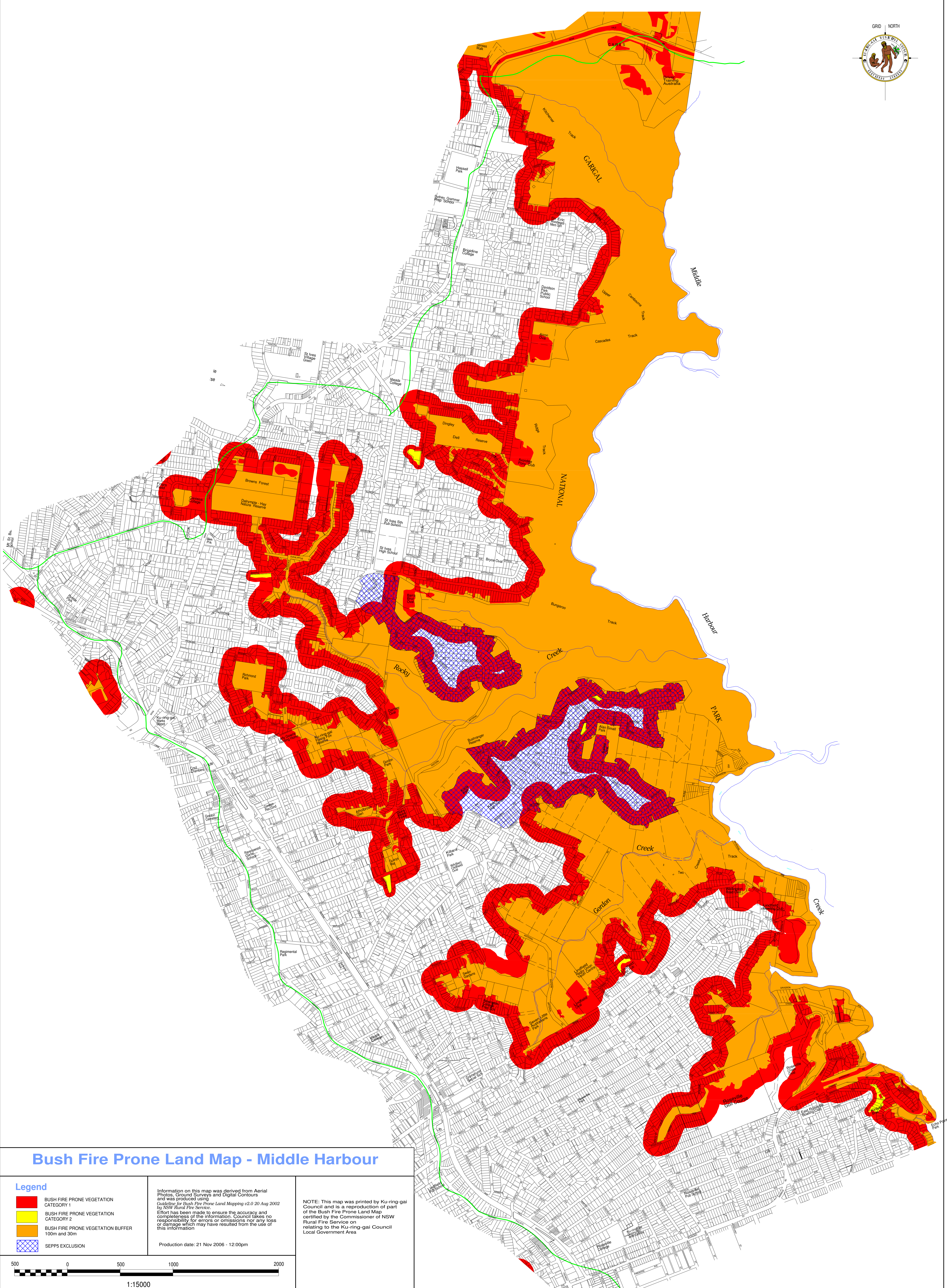
The Cowan Catchment is the largest of the three main catchments and encompasses approximately 3383.41 Ha of land that occupies the northern portion of the Ku-ring-gai LGA. The catchment contains a mixture of residential and commercial development within the suburbs of St Ives, St Ives Chase, Turramurra, North Turramurra, Wahroonga, North Wahroonga and northern parts of Pymble. Developed lands accounts for 58% of the total catchment area with the remaining 42% consisting of National Park (28%) and Council owned / managed land (14%)

Large tracts of bushland are located to the north of the built up areas which includes Ku-ring-gai National Park, Council Reserves Council Reserves, Crown Land, Private Open Space and State Authority Open Space. Small pockets of Council owned bushland are also scattered across the catchment. The total area of bushland within the Cowan Catchment is approximately 438 Ha.

Summery of Changes

Table 1 – Changes to the Bushfire Prone Land Map for the Cowan Catchment

	Category 1 Vegetation (ha)	Category 2 Vegetation (ha)	No. of Bushfire Prone Properties
Current map (2002)	1693.27	3.56	3229
Proposed amended map (2006)	1639.26	0.12	2950
Proposed Net Changes	-54.01	-3.44	-279



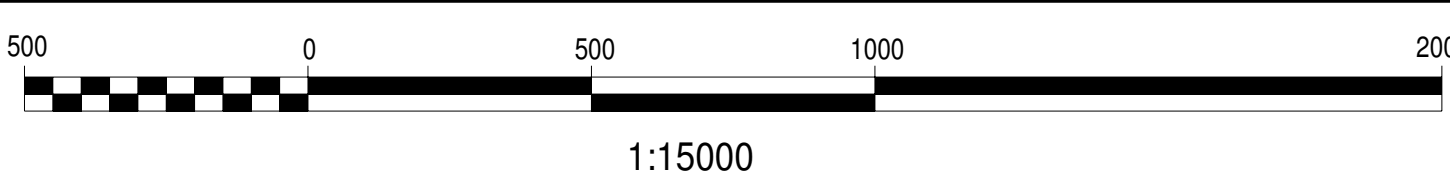
Bush Fire Prone Land Map - Middle Harbour

- Legend**
- BUSH FIRE PRONE VEGETATION CATEGORY 1
 - BUSH FIRE PRONE VEGETATION CATEGORY 2
 - BUSH FIRE PRONE VEGETATION BUFFER 100m and 30m
 - SEPPs EXCLUSION

Information on this map was derived from Aerial Photos, Ground Surveys and Digital Contours and was produced using
Guideline for Bush Fire Prone Land Mapping v2.0 20 Aug 2002
by NSW Rural Fire Service.
Effort has been made to ensure the accuracy and completeness of the information. Council takes no responsibility for errors or omissions nor any loss or damage which may have resulted from the use of this information.

NOTE: This map was printed by Ku-ring-gai Council and is a reproduction of part of the Bush Fire Prone Land Map certified by the Commissioner of NSW Rural Fire Service on relating to the Ku-ring-gai Council Local Government Area.

Production date: 21 Nov 2006 - 12:00pm



Analysis of Middle Harbour Catchment

Introduction

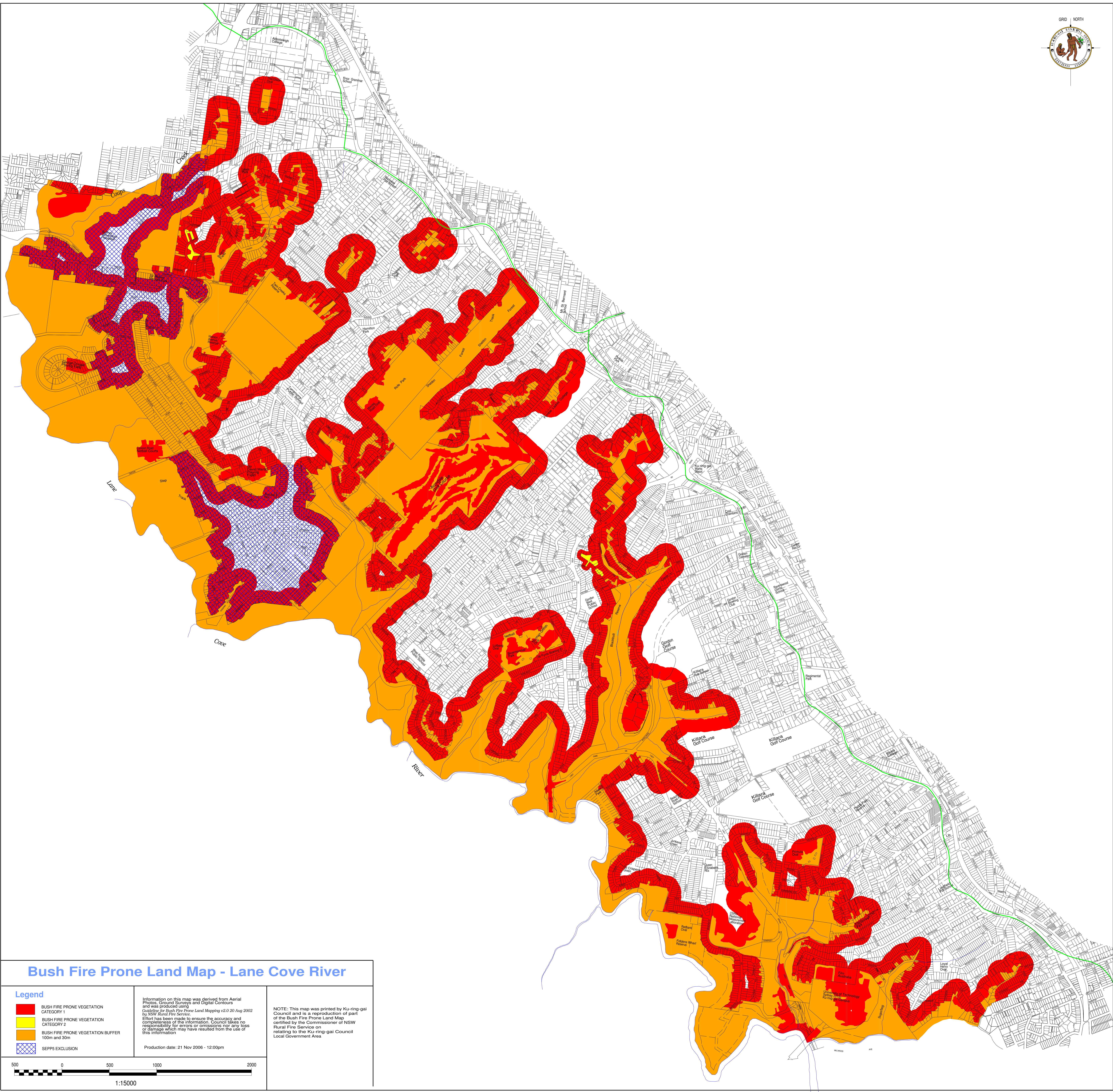
The Middle Harbour Catchment encompasses approximately 2485.22 Ha of land that occupies the eastern portion of the Ku-ring-gai LGA. The catchment contains a mixture of residential and commercial development within the suburbs of St Ives, Gordon, Killara, East Killara, Lindfield, East Lindfield, Roseville, Roseville Chase and eastern parts of Pymble. Developed lands accounts for 68% of the total catchment area with the remaining 32% consisting of National Park (18%) and Council owned / managed land (14%)

Large tracts of bushland are located to the east of the built up areas which includes Garigal National Park, Council Reserves, Crown Land, Private Open Space and State Authority Open Space. Small pockets of Council owned / managed bushland are also scattered across the catchment. The total area of bushland within the Middle Harbour Catchment is approximately 261 Ha.

Summery of Changes

Table 1 – Changes to the Bushfire Prone Land Map for the Middle Harbour Catchment

	Category 1 Vegetation (ha)	Category 2 Vegetation (ha)	No. of Bushfire Prone Properties
Current map (2002)	793.54	0.19	4305
Proposed amended map (2006)	795.92	3.01	4236
Proposed Changes	2.38	2.82	-69



Bush Fire Prone Land Map - Lane Cove River

Legend

- BUSH FIRE PRONE VEGETATION CATEGORY 1
- BUSH FIRE PRONE VEGETATION CATEGORY 2
- BUSH FIRE PRONE VEGETATION BUFFER 100m and 50m
- SEPPS EXCLUSION

Information on this map was derived from Aerial Photos, Ground Surveys and Digital Contours and was produced using *Guideline for Bush Fire Prone Land Mapping v2.0 20 Aug 2002* by NSW Rural Fire Service. Effort has been made to ensure the accuracy and completeness of the information. Council takes no responsibility for errors or omissions nor any loss or damage which may have resulted from the use of this information.

Production date: 21 Nov 2006 - 12:00pm

NOTE: This map was printed by Ku-ring-gai Council and is a reproduction of part of the Bush Fire Prone Land Map certified by the Commissioner of NSW Rural Fire Service on relating to the Ku-ring-gai Council Local Government Area



1:15000

Analysis of Lane Cove Catchment

Introduction

The Lane Cove Catchment encompasses approximately 2640.81 Ha of land that occupies the western portion of the Ku-ring-gai LGA. The catchment contains a mixture of residential and commercial development within the suburbs of Warrawee, South Turramurra, Pymble, West Pymble, Killara, Lindfield and Roseville. Developed lands accounts for 73% of the total catchment area with the remaining 27% consisting of National Park (6%) and Council owned / managed land (21%)

Large tracts of bushland are located to the west of the built up areas which includes Lane Cove National Park, Council Reserves, Crown Land, Private Open Space and State Authority Open Space. Small pockets of Council owned / managed bushland are also scattered across the catchment. The total area of bushland within the Lane Cove Catchment is approximately 442 Ha.

Summery of Changes

Table 1 – Changes to the Bushfire Prone Land Map for the Lane Cove Catchment

	Category 1 Vegetation (ha)	Category 2 Vegetation (ha)	No. Bushfire Prone Properties
Current map (2002)	861.35	0.667	6217
Proposed amended map (2006)	779.28	1.558	6019
Proposed Changes	-82.11	0.891	-198

Examples of Mapping Issues

Minor boundary adjustments



Figure 1. The air photo shows the existing Category Boundary in red, and the proposed Category 1 boundary in purple. The new line shows fine scale details not recorded in the original mapping process. Adjustments of this nature were very common.

Change in land use



Figure 2 Forwood Ave in Turramurra has been recently cleared for development. The red line indicates an area that was previously identified as bushfire prone land. Due to recent clearing this area will no longer be mapped as Category 1 vegetation.

Omissions from the original map



Figure 3. Bushland adjacent to Primula Oval and West Lindfield Bowling club was omitted from the 2002 Bushfire Prone Land map. The area has been mapped as a Category 1 hazard on the proposed map.

Inclusion of tree canopy in the original map



Figure 4. Areas with canopy only and no ground fuels (above left) were not considered to be Category 1 vegetation. The air photo (above right) shows the same site from the air, the orange arrow indicates the location and direction that the photo was taken. The area shown in green will be removed from the map as it does not pose a fire hazard.

Reclassification

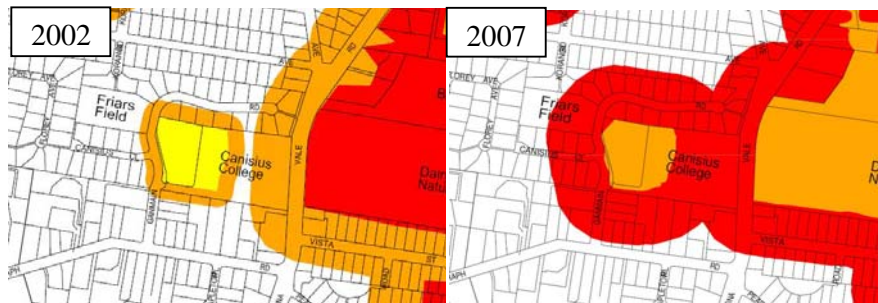


Figure 5 Category 2 (yellow, on left) reclassified into Category 1 (orange, on right)

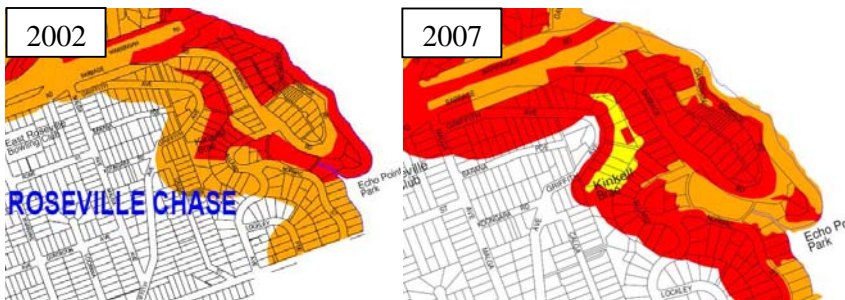


Figure 6 Category 1 (red, on left) reclassified into Category 2 (yellow, on right)

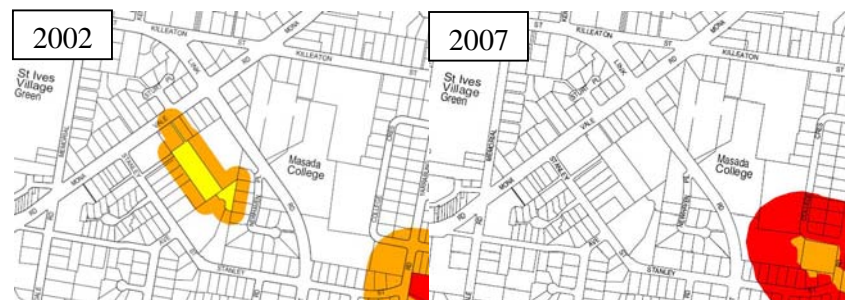


Figure 7 Category 2 (yellow, on left) vegetation less than 1ha and further than 100m from Category 1 and 30m from Category 2 vegetation was not classified as bushfire prone on the 2007 bushfire prone land map (as shown above, on right).



Department of
Infrastructure, Planning and Natural Resources

Contact: R Baker
Phone: 02 9762 8330
Fax: 02 9762 8710
Email: ron.baker@dipnr.nsw.gov.au

Mr Brian Bell
General Manager
Ku-Ring-Gai Council
818 Pacific Highway
GORDON 2072

Our ref:
Your ref: S03911

Dear Mr Bell,

Draft LEP – Land Identified as Evacuation Risk

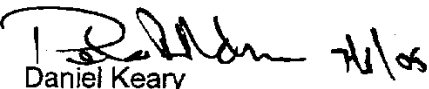
I refer to Council's letter of 14th December 2004 concerning a proposed local environmental plan which intends to prohibit the further subdivision of land for the purpose of creating separately titled dwellings and to prohibit schools, pre-schools and nursing homes in the areas identified as "Bush Fire Evacuation Risk".

The Department understands that the Bush Fire Coordinating Committee and the NSW Rural Fire Service have expressed the opinion that where provision has been made for Asset Protection Zones and appropriate construction standards have been met under the Rural Fires Act and the EP&A Act, it is unlikely that any new subdivision approved under the current planning requirements would significantly increase the need for evacuation. Further to this, the NSW Rural Fire Service has advised Ku-ring-gai Council that it considers that placing further restrictions on the areas identified on the "Bush Fire Evacuation Map" but which are not identified as bush fire prone, is difficult to justify solely on the basis of bush fire risk.

For the above reasons, the NSW Bush Fire Service does not support the draft LEP.

In view of the above the Department does not consider that the draft LEP has been adequately justified and it would not be prepared to recommend to the Minister that the plan be made. If the Council still wished to progress the draft plan it should first discuss the matters raised with the Rural Bush Fire Service with a view to addressing its concerns. At this point it would not be appropriate for Council to exercise its delegated authority to certify the exhibition of the plan.

Yours sincerely


Daniel Keary
Acting Regional Planning Coordinator
Sydney Region East

All communications to be addressed to:

NSW Rural Fire Service
Hornsby/Ku-ring-gai Rural Fire Service
PO Box 472
HORNSBY NSW 2077

Telephone: (02) 9485 5000
e-mail: firstname.surname@rfs.nsw.gov.au

NSW Rural Fire Service
Hornsby/Ku-ring-gai Rural Fire Service
143 Galston Road
HORNSBY HEIGHTS NSW 2077

Facsimile: (02) 9485 5047



The General Manager
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

Our Ref:
Your Ref:

Attention: – Ben Hope

25/10/2006

Dear Ben,

RE Ku-ring-gai Bushfire Prone Map

Confirming that the Hornsby/Ku-ring-gai Rural Fire Service has been involved in the consultation process of the updating of the Ku-ring-gai Bushfire Prone Map.

Attached is a memo to our Commissioner endorsing the updated map.

Yours Truly

Colin Manton
Community Safety Officer



MEMORANDUM



Hornsby/Ku-ring-gai District

TO: COMMISSIONER
FROM: DISTRICT MANAGER
SUBJECT: KU-RING-GAI BUSH FIRE PRONE MAP

DATE: 23 October 2006

File No.

Sir

The District would like to take this opportunity to congratulate Ku-ring-gai Council on the work carried out updating the Bush Fire Prone Map.

The update process was outstanding, with consultation taking place with my office, in particular with the Community Safety team.

The District supports the amendments made by Ku-ring-gai Council.

Angelo Baldo
Superintendent
District Manager

All communications to be addressed to:

Head Office
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Head Office
NSW Rural Fire Service
Unit 3, 175-179 James Ruse Drive
Rosehill NSW 2142

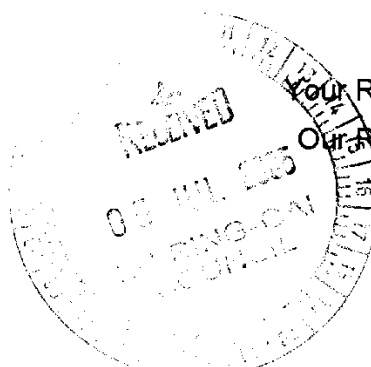
Telephone: (02) 9684 4411

Facsimile: (02) 9638 7956

e-mail: lew.short@rfs.nsw.gov.au



Mr Brian Bell
General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



Your Ref:

Our Ref: A051032 - 1646

29 JUN 2005

Dear Mr Bell,

RE: ADDITIONAL SEPP SENIORS LIVING EXCLUSION AREAS IN KU-RING-GAI

I refer to a letter received from Cl. Malicki regarding additional SEPP Seniors Living Exclusion Zones in Ku-ring-gai and a request that the NSW Rural Fire Service (RFS) provide information on areas that were supported and not supported in the report that was sent to DIPNR on 20 May 2004. A copy of the report is attached for Councils information. This document defines the assessment criteria, process and the determinations that were made by the RFS.

Of the eight additional areas that Council sought to include as SEPP Seniors Living Exclusion Areas, the RFS supported six of these areas as presented by Council. Two additional areas were recommended by the RFS that were not identified by Council and two areas were not supported.

The RFS is satisfied that the underlying principles and outcomes of this report are sound and would take this opportunity to clarify with Council, that evacuation is an action of last resort during fire events. It is better for people to shelter in their own homes rather than to be relocated to an evacuation point. Large scale, mass evacuations of entire suburbs or communities require significant lead times, are difficult to organise and execute efficiently, and involve significant disruption to people and communities.

Legislation requires that integrated development must comply with *Planning for Bush Fire Protection* (Section 100B *Rural Fires Act*) including minimum asset protection zones, access, water and other bush fire safety requirements. The legislation and *Planning for Bush Fire Protection* are designed to ensure uniform and consistent regulations so that all bushland communities can be confident of the same level of planning rigour, removing anomalies and setting clear and consistent standards for all local government authorities.

Should you have any queries regarding this, please contact Mr Lew Short, Manager Development Control on 8741 5454.

Yours sincerely,

Rob Rogers AFSM
Assistant Commissioner
Community Safety

NSW Rural Fire Service



Proposed SEPP 5 Exemption Areas by Ku-ring-gai Council

Rural Fire Service Analysis

19 April 2004

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4. Methodology	5
5. Bush Fire Risk Evaluation	6
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Table 2. Additional RFS recommended sites	10
6. Recommendations	11

Disclaimer: Any representation, statement, opinion, or advice expressed or implied in this report is made in good faith on the basis that the State of NSW, the NSW Rural Fire Service, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to in this document.

Executive Summary

On 21 November 2002, the Rural Fire Service (RFS) certified Ku-ring-gai Councils bush fire prone Land Map. The RFS received additional documentation from Ku-ring-gai Council on 30 June 2003 requesting additional areas to be mapped for SEPP 5 exemption.

The RFS has based the results on an evaluation undertaken using Australian Standard AS4360 (Risk Management). This enabled an objective analysis of the information provided by Council. The RFS has also taken a pragmatic approach and has considered a number of additional bush fire risk factors in the assessment.

Based on an assessment of documentation, discussion with Council and RFS staff, the RFS recommends to the Department of Infrastructure Planning and Natural Resources that the following areas be identified on a Bush Fire Evacuation Risk Map and excluded from SEPP 5 development in Ku-ring-gai:

Additional SEPP 5 Exclusion Zones

Area	Location	Recommendation
1	Northern Wahroonga off the northern end of Grosvenor Rd/Curtin Ave	Exclusion Zone as per KMC map 19-2-03
3	South Turramurra – Howson Ave and Stainsby Cl. and part of the Comenarra Parkway.	Exclusion Zone as per KMC map 19-2-03
5	South Turramurra – Part the Comenarra Parkway and Evans St, Ramsay and Parker Ave.	Exclusion Zone as per KMC map 19-2-03
6	West Pymble – South of Wallalong Cres.	Exclusion Zone as per KMC map 19-2-03
7	West Lindfield/West Killara – south of Lady Game Dr.	Exclusion of Albert Dr and south of the junction of Carramar and Bradfield Rd. Map attached
8	South Wahroonga/South Warrawee – south of Rothwell (Mitchell Cres), south end of Roland Ave and part Cambell Dr.	Exclusion Zone as per KMC map 19-2-03
9	St.Ives – Richmond Ave and Greenvalley Ave.	Exclusion as per map
10	Roseville Chase – Chase Ave, Cardigan Rd and Ormonde Rd	Exclusion as per map

1. Introduction

On 21 November 2002, the RFS certified Ku-ring-gai Councils Bush Fire Prone Land Map. This map identifies six areas as State Environmental Planning Policy Number 5 (SEPP5) exclusion zones based on egress and access issues. Since that time, Council have identified and submitted eight additional areas to RFS for analysis and inclusion on the Bush Fire Evacuation Risk Map. The recommendations contained in this report are for the consideration of The Department of Infrastructure Planning and Natural Resources (DIPNA).

2. Background

The RFS received documentation from Ku-ring-gai Council on 30 June 2003 requesting additional areas for SEPP 5 exemption. The RFS has met with Council to request additional information and to seek clarification on some issues. RFS received additional information on 11 November 2003 relating to traffic data. On 2 February 2004, RFS received additional information from Ku-ring-gai Council for the South Turramurra area that included resident responses to a survey completed in August 2003. The results were mapped and identified a range of issues relating to bush fire. These documents and the findings have been utilised in the decision making process.

The RFS recognises that Special Protection Development such as SEPP5 are developments that by the nature of their use, present limited mobility issues. In the event of a bush fire they may be difficult to evacuate and/or susceptible to smoke impacts. Generally, these residents cannot be expected to defend the property from bush fire attack.

Additionally, SEPP 5 development in areas that may be subject to bush fire attack, creates a range of complex issues for emergency services such as ensuring adequate resources are available to assist with evacuations, increased traffic on local roads that may limit access and egress for emergency services and the impact of smoke on the community.

3. Legislative Basis

Part 4 section 25A of SEPP 5 gives the legislative basis for the exclusion of areas from SEPP 5 development.

‘(1) The Director General may prepare a map or maps for the purpose of amending or replacing the bush fire evacuation risk map.

(2) In preparing such a map, the Director General is to take the following matters into consideration:

- the size of the existing population within the locality,
- age groups within that population and the number of persons within those age groups,
- the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,
- the number of schools within the locality and the number of students at those schools,
- existing development within the locality that has been carried out under this policy (Part 4 section 25A of SEPP 5).’

Additionally, Schedule 1 of SEPP5 differentiates Environmentally Sensitive Land as excluding SEPP 5 development and includes:

- land identified in an environmental planning instrument as a high bush fire hazard
- land identified on a bush fire prone land map certified under section 146 of the Act as “Bush Fire Prone land – vegetation category 1” and
- Land shown cross hatched on the bush fire evacuation risk map.

4. Methodology

The RFS acknowledges that to adequately address the range of documentation, opinions, community concern and assessment criteria, a measurable and objective outcome is difficult to achieve. Hence, the RFS assessment has been undertaken based on the professional experience of the RFS and analysis of information provided by Ku-ring-gai Council.

Analysis of the data in accordance with Australian Standard AS4360 - Risk Management has been undertaken. The assessment will be undertaken in terms of consequence and likelihood in the context of potential impact of bush fire on a SEPP5 development and flow on implications for emergency services. The analysis will consider the range of risks posed to any existing or future development, potential consequences and how likely those consequences are to occur.

While the RFS has based outcomes on legislation for identifying and excluding areas from SEPP 5 development, the RFS has also taken a pragmatic approach and as such has considered a number of additional bush fire risk factors. These additional factors bush fire risk factors include:

- Single access/ egress into an area
- Bottle necks
- Potential limited access for combat/ emergency services
- Isolated development
- Access passes through or directly adjacent to the identified hazard
- Ridgetop development with steep slopes
- Known fire path / impact area
- Existing high density of special fire protection development
- Identified traffic flow problems
- Identified mains water pressure issues

5. Bush Fire Risk Evaluation

The Bush Fire Risk evaluation has been undertaken utilizing qualitative measures from AS4360. A judgment based on information provided, discussions with Council and RFS assessment of all factors has been undertaken. The final recommendations have been based on estimated levels of risk against the pre-established criteria. This enables risks to be ranked so as to identify potential bush fire risk evacuation areas for exclusion of SEPP5.

A conservative approach has been taken, in that if the levels of risk established is **High** or above, the RFS has supported Councils request for additional SEPP5 exclusion zones.

Table E1 Qualitative measures of consequence or impact

Level	Descriptor	Example detail description
1	Insignificant	No injuries, low financial loss
2	Minor	First aid treatment, on-site release immediately contained, medium financial loss
3	Moderate	Medical treatment required, on-site release contained with outside assistance, high financial loss
4	Major	Extensive injuries, loss of production capability, off-site release with no detrimental effects, major financial loss
5	Catastrophic	Death, toxic release off-site with detrimental effect, huge financial loss

NOTE: Measures used should reflect the needs and nature of the organization and activity under study.

Table E2 Qualitative measures of likelihood

Level	Descriptor	Description
A	Almost certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur at some time
D	Unlikely	Could occur at some time
E	Rare	May occur only in exceptional circumstances

NOTE: These tables need to be tailored to meet the needs of an individual organization.

Table E3 Qualitative risk analysis matrix—level of risk

	Consequences				
	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood	1	2	3	4	5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (moderate)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

NOTE: The number of categories should reflect the needs of the study.

Legend

- E: extreme risk; immediate action required
- H: high risk; senior management attention needed
- M: moderate risk; management responsibility must be specified
- L: low risk; manage by routine procedures

The areas presented by Ku-ring-gai Council to the RFS are as follow:

Table 1. Bush Fire Risk Assessment

Area	Location	Level of Bush Fire Risk	RFS Position	Notes
1	Northern Wahroonga off the northern end of Grosvenor Rd/Curtin Ave	High	Exclusion Zone as per KMC map 19-2-03	Single access, which has the potential to bottleneck at the junctions of Barton Cres, Curtin Ave (South) and Grosvenor Rd. The area has a history of bush fire.
2	Lucinda Ave south and Campbell Dr south of Fox Valley Rd, Wahroonga	Minor	Exclusion not supported	Although the area has had bush fires in the vicinity, fire has not been recorded immediately adjacent to this area. The need for residents to evacuate has been assessed as minimal.
3	South Turramurra – Howson Ave and Stainsby Cl. and part of the Comenarra Parkway.	Extreme	Exclusion Zone as per KMC map 19-2-03	Access has the potential to be cut off by bush fire, isolated community, most of the area is included in the bush fire prone vegetation buffer, therefore, it is unlikely that any proposed special protection development would be able to meet setback distances as per Planning for Bush Fire Protection 2001.
4	South Turramurra – areas off Kissing Point Rd south of Rothwell and north of Havelock/Barwon/The Comenarra Parkway.	Minor	Exclusion not supported	The area proposed is large enough that evacuation would not be recommended during bush fires
5	South Turramurra – Part the	Extreme	Exclusion Zone as	Access has the potential to be cut off by

	Comenarra Parkway and Evans St, Ramsay and Parker Ave.		per KMC map 19-2-03	bush fire, isolated community, most of the area is included in the bush fire prone vegetation buffer, therefore, it is unlikely that any proposed special protection development would be able to meet setback distances as per Planning for Bush Fire Protection 2001. Significant bush fires immediately adjacent in 1987, 1994 & 2002.
6	West Pymble - South of Wallalong Cres.	Extreme	Exclusion Zone as per KMC map 19-2-03	Potential access/egress issues as both streets bottleneck. Most of the area is included in the bush fire prone vegetation buffer, therefore, it is unlikely that any proposed special protection development would be able to meet setback distances as per Planning for Bush Fire Protection 2001. Comments from Ku-ring-gai RFS Captain that areas were particularly problematic for access.
7	West Lindfield/West Killara - south of Lady Game Dr.	Parts - high	Exclusion of Albert Dr and south of the junction of Carramar and Bradfield Rd	Comments from Ku-ring-gai RFS Captain that areas were particularly problematic for access. Isolated community, access issues, bottleneck.
8	South Wahroonga/South Warrawee - south of Rothwell (Mitchell Cres), south end of Roland Ave and part Cambell Dr.	High	Exclusion Zone as per KMC map 19-2-03	Steep, difficult streetscapes. High impact area during previous fire events, access issues.

Based on the assessment undertaken the RFS has identified additional sites that warrant inclusion based on the above methodology. These include:

Table 2. Additional RFS recommended sites

9	St.Ives – Richmond Ave and Greenvally Ave.	High	Exclusion of properties in Richmond and Greenvally Ave St.Ives.	Evacuation from Richmond Ave has bushland directly adjacent to the road, which may prevent access/egress during the passage of a bush fire. Both Roads present access difficulties
10	Roseville Chase – Chase Ave, Cardigan Rd and Ormonde Rd	High	Exclusion Zone to the junction of Ormonde Ave and The Kingsway.	Isolated community with potential to be cut off during passage of bush fire.

6. Recommendations

Based on an assessment of documentation, discussion with Council and RFS staff, the RFS recommends to the Department of Infrastructure Planning and Natural Resources that the following areas be identified on a Bush Fire Evacuation Risk Map and excluded from SEPP 5 development in Ku-ring-gai:

Area	Location	Recommendation
1	Northern Wahroonga off the northern end of Grosvenor Rd/Curtin Ave	Exclusion Zone as per KMC map 19-2-03
3	South Turramurra – Howson Ave and Stainsby Cl. and part of the Comenarra Parkway.	Exclusion Zone as per KMC map 19-2-03
5	South Turramurra – Part the Comenarra Parkway and Evans St, Ramsay and Parker Ave.	Exclusion Zone as per KMC map 19-2-03
6	West Pymble – South of Wallalong Cres.	Exclusion Zone as per KMC map 19-2-03
7	West Lindfield/West Killara – south of Lady Game Dr.	Exclusion of Albert Dr and south of the junction of Carramar and Bradfield Rd. Map attached
8	South Wahroonga/South Warrawee – south of Rothwell (Mitchell Cres), south end of Roland Ave and part Cambell Dr.	Exclusion Zone as per KMC map 19-2-03
9	St.Ives – Richmond Ave and Greenvallley Ave.	Exclusion as per map
10	Roseville Chase – Chase Ave, Cardigan Rd and Ormonde Rd	Exclusion as per map

The above areas are identified on the attached maps.

Should you have any queries regarding any aspect of this please contact me on 8845 3567.

Lew Short

A/Manager Planning & Environment Services

Attachments

1. Ku-ring-gai Council additional areas request and supporting documentation.

Ku-ring-gai Council

DRAFT

Bush Fire Prone Land Map

Legend

- BUSH FIRE PRONE VEGETATION CATEGORY 1
- BUSH FIRE PRONE VEGETATION CATEGORY 2
- BUSH FIRE PRONE VEGETATION BUFFER 100m and 30m

Information on this map was derived from Aerial Photos, Ground Surveys and Digital Contours and was produced using the NSW Rural Fire Service. Effort has been made to ensure the accuracy and completeness of the information. Council takes no responsibility for errors or omissions nor any loss or damage which may have resulted from the use of this information.

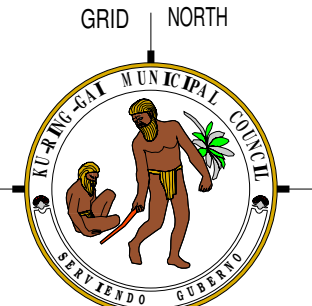
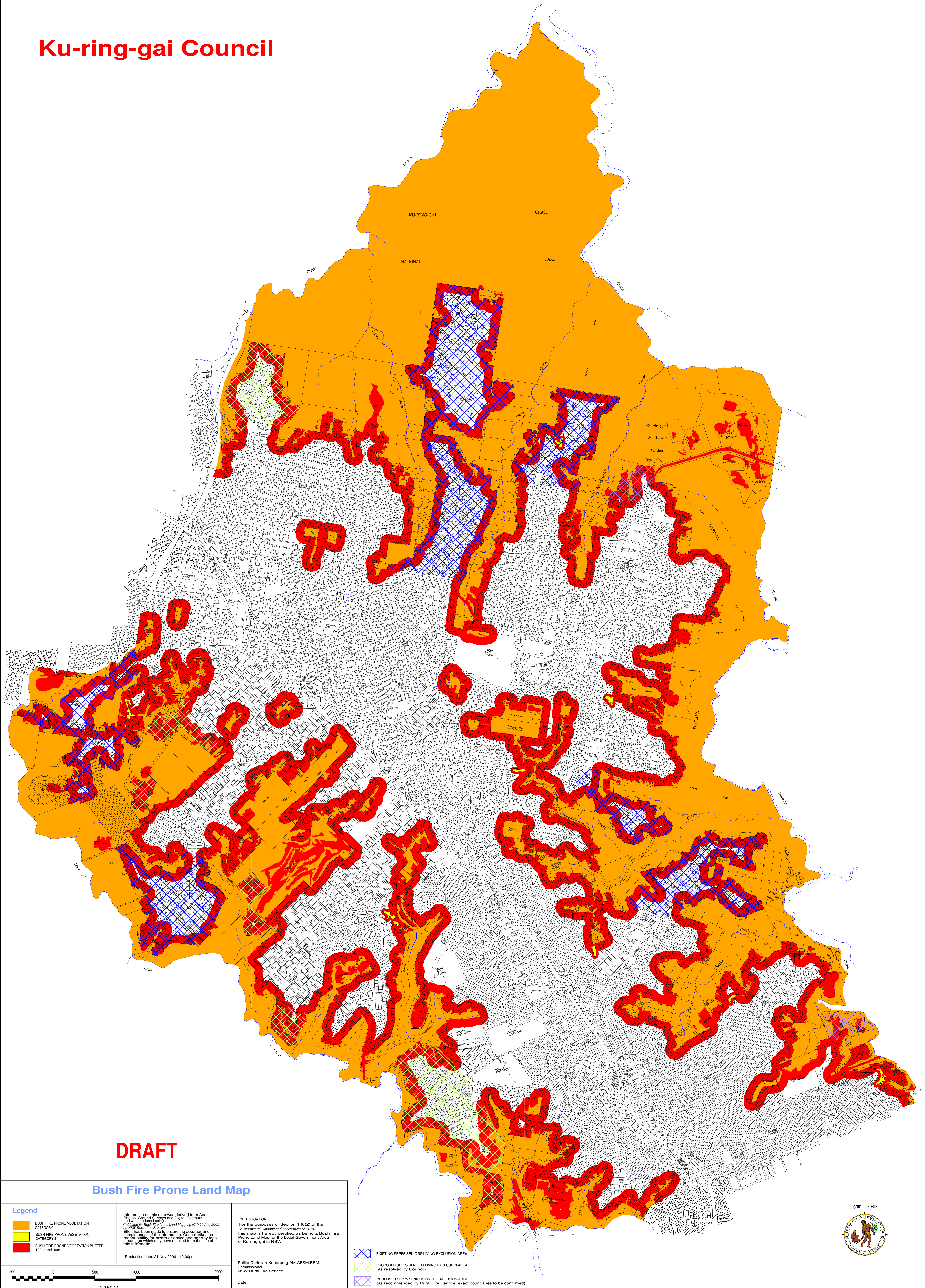
Production date: 21 Nov 2006 - 12:00pm

CERTIFICATION
For the purposes of Section 146(2) of the Environmental Planning and Assessment Act 1979, this map is hereby certified as being a Bush Fire Prone Land Map for the Local Government Area of Ku-ring-gai in NSW.

Phillip Christian Koperberg AM,AFSM,BEM,
Commissioner
NSW Rural Fire Service

Date:

- EXISTING SEPPs SENIORS LIVING EXCLUSION AREA
- PROPOSED SEPPs SENIORS LIVING EXCLUSION AREA (as resolved by Council)
- PROPOSED SEPPs SENIORS LIVING EXCLUSION AREA (as recommended by Rural Fire Service, exact boundaries to be confirmed)



DRAFT VOLUNTEER KU-RING-GAI (VK) POLICY AND STRATEGY FOR PUBLIC EXHIBITION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present a draft Volunteer Ku-ring-gai Policy and Strategy to Council.
BACKGROUND:	Ku-ring-gai Council has a strong history of working in partnership with the community. It is estimated that over 15,000 people volunteer in Ku-ring-gai in a variety of capacities including activities such as Bushcare, Meals on Wheels, sporting and service clubs, schools and other community organisations. This updated policy focuses on ways volunteering can grow for the future betterment of Ku-ring-gai.
COMMENTS:	The draft policy provides a more strategic approach to volunteering and volunteers. This requirement has been articulated in a number of objectives within the current Management Plan (2006-2010). A focus on volunteers offers the opportunity to open dialogue with existing organisations regarding future directions, issues and opportunities.
RECOMMENDATION:	That the draft Volunteer Policy be placed on public exhibition and that during the exhibition period, workshops be conducted with key volunteer groups.

PURPOSE OF REPORT

To present a draft Volunteer Ku-ring-gai Policy and Strategy to Council.

BACKGROUND

One of the challenges of Ku-ring-gai's long term sustainability is to examine how Council can work in closer partnership with its residents to maximise available resources and to maintain and strengthen community and environmental care. Over the next two years Ku-ring-gai's Sustainability Plan will be developed with a key aim of increasing the dialogue and activities between Council and residents. An important strategy in achieving this will be the strengthening of volunteer programs and activities.

Ku-ring-gai Council has a strong history of working with its community and facilitating volunteerism. Council's commitment is also reflected in the corporate goals as we are striving for a "healthy, active, vibrant, inclusive, informed and culturally aware, community" and "that we will have a strong culture of community participation" (Ku-ring-gai Council Management Plan 2006-2010). As part of this year's Management Plan, Council is required to encourage greater participation in community based volunteer programs. Individual planning instruments such as: the Open Space Strategy, Bushcare Strategy, Sport in Ku-ring-gai Strategy, Biodiversity Strategy and The Community Plan all identify a need to develop ways of increasing volunteering and community partnerships.

Council has many ways of assisting the differing volunteer programs both through in-kind and direct financial support. The Community Grants Program and the Environmental Levy's small grants program are examples of direct financial assistance in both the community and environmental areas. Over many years Council has also worked with a large number of community groups, many of which have a strong volunteer base. These groups are able to provide services to the community in ways that Council is not resourced to do, such as, Ku-ring-gai Neighbourhood Centre, Ku-ring-gai Historical Society and community fire units.

An outline of existing volunteer activities across Council's activities is as follows:

Community Services

The Community Plan 2005 – 2009 outlines some of the activities the Community Services Department is involved with, actively promoting volunteering opportunities and acknowledging the contribution volunteers have made in many aspects of community life. Events during Seniors Week, National Volunteer Week and around Christmas go towards thanking volunteers for their outstanding contributions made to our community organisations. Community Services also auspices a Volunteer Recruitment and Referral and Training Service (VRRTS). This service employs a part-time officer whose role seeks to recruit volunteers for other Home and Community Care (HACC) funded organisations including Ku-ring-gai Meals on Wheels Service, Ku-ring-gai Neighbour Centre, Easy Care Gardening and day activity centres. The aim of all these services is to provide support to frail elderly people, people with a disability, to enable them to remain in their homes and

neighbourhood for longer. Many volunteers play a critical role ensuring that the HACC program is successful and individual resident's needs are met.

Open Space

Within the Natural Areas Section, the volunteer focus has been on the delivery of a suite of environmental 'Care' programs which currently have over 1,300 volunteers. An outline of existing programs is as follows:

- **Bushcare** involves community participation to collaboratively manage natural areas through forming a partnership between residents and Council to improve the condition and biodiversity of the local area;
- **Streetcare** focuses on the public verge, footpath and road corridor linking to our existing tree nurturers program;
- **Backyard Buddies** involves local residents rearing native fauna in their backyards;
- **Parkcare** is based around supporting the presentation of our formal parks and ovals; and
- **Backyard Bushcare** which applies bushcare principles to private property in a similar way to rural Landcare.

The role of volunteers within the Ku-ring-gai sporting community serves as an integral tool to the successful management of numerous clubs and associations. Ku-ring-gai's Sport in Ku-ring-gai Strategy (2006) discusses the results of the inaugural questionnaire that was completed by all seasonal hirers in 2005 and acknowledges the significant contributions that volunteers made to the local community. A total of 11,514 volunteers were reported, with the majority of these belonging to the netball and soccer associations. The greatest numbers of volunteers were identified as fulfilling coaching and ground staff positions. The Strategy noted that many clubs recognised the need for volunteer roles to be carried out on a rotating roster basis (eg canteen duty) rather than specific individuals undertaking the job for a full season.

Property

Volunteers play an important role in the management, promotion, use and day to day care of a range of Council's properties and assets. This can be through formal lease arrangements such as sporting clubs and scout halls and informal arrangements such as "Friends of" groups such as Tulkiyan, Swain Garden and the association between Australian Native Plant Society and Ku-ring-gai Wildflower Garden. While the numbers of volunteers in these programs are unknown, they provide a strong link with their respective locations and to other regional and state based volunteer groups such as the Historic Houses Trust and National Trust.

COMMENTS

This report has developed from a need for Council to adopt a more strategic approach to volunteers, particularly in regard to the development of the Sustainability Plan and the long term effectiveness of its implementation. Achieving many of the objectives of the Sustainability Plan will be contingent upon lasting projects based in community and environmental care. It is therefore important to commence investigating how Ku-ring-gai's existing volunteer network can be supported, strengthened and developed.

Item 23

S05083

13 November 2006

There are various volunteer models and points of contact across Council Department's which facilitate and co-ordinate programs. What is lacking is overall co-ordination, direction and guidance as to when, and to what degree, Council should be involved in such programs. There is also a need to recognise the role associations and other government agencies contribute to the volunteer programs of Ku-ring-gai. The draft Volunteer Ku-ring-gai Policy and Strategy proposed to Council aims to enhance these relationships by opening dialogue with volunteers with the aim of assisting their activities.

Draft Volunteer Ku-ring-gai Policy and Strategy

The draft Volunteer Ku-ring-gai Policy (Attachment 1) has been designed as an overarching statement of intent which describes Ku-ring-gai Council's aim to recognise and strengthen volunteer projects and programs. The Policy defines a volunteer as a person who gives their time, resources or knowledge to benefit Ku-ring-gai's environment and its people, without remuneration. This broad definition can include a range of activities such as, sporting organisations, Scouts, Friends of the Library and Bushcare volunteers. The Policy also aims to increase volunteer participation through ongoing commitment to the programs from Council staff, Councillors and volunteers.

The draft Volunteer Ku-ring-gai Strategy (Attachment 1) will implement the Policy. It will have a five year timeframe (2007- 2012) after which time it will be reviewed. The Strategy will consist of a suite of operational documents that includes: sustainability, management, recruitment, financial support, education, OH&S, insurance, program descriptions, branding and marketing and the introduction of patrons. The attached Draft Strategy has been developed as an initial discussion and ideas document. Considerable input is required from existing volunteer groups, Councillor's and staff members through the public exhibition phase.

CONSULTATION

Extensive research has been undertaken prior to the development of the Draft Policy and Strategy. Research has included a meeting with National Parks and Wildlife, who operate a successful volunteer program, together with some international analysis, such as Hokkaido Museum of Modern Art in Japan, USDA Forest System and Earth Friends in the United States of America. Within Australia the Go Volunteer, Volunteering Australia, Keep Australia Beautiful and Community Builders are some of the programs which have been researched.

It is proposed that the Draft Volunteer Policy and Strategy are circulated widely during the exhibition period and workshops held with relevant organisations. Comments will be invited from all sectors, in particular existing volunteer organisations. Methods of consultation will also include the Council website, Mayor's Column and the resident feedback register.

Areas that will be discussed are, potential branding and marketing opportunities, current funding programs such as the Community Grants Program (funded through Community Services) and Small Grants Program (funded through The Environmental Levy), potential fund raising and the introduction of patrons to Council operated volunteer programs. Responses will be documented and presented to Council in a report following the public exhibition phase.

FINANCIAL CONSIDERATIONS

The development, exhibition and implementation of the Volunteer Policy and Strategy will have a financial impact across Council and the community. The cost to Council for the co-ordination, facilitation and where appropriate running of volunteer programs is currently identified within ordinary budgets. As programs grow, this may lead to an increase in cost in order to provide the appropriate levels of service. However the financial impacts need to be assessed against gains to both our natural and built environments and particularly our social environment. As noted in the draft documents, a part of the need to address and promote the contribution of volunteerism is also to investigate alternative funding and operational options. In reporting back to Council, the financial impacts will be investigated where possible and appropriate.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Initial consultation has occurred across Departments, in particular Open Space, Community Services and Human Resources with many staff members across Council contributing to this report. It is proposed that an internal working party is established to progress this inter departmental initiative.

SUMMARY

A strong partnership between Council and its residents will be critical in terms of the long term implementation of future sustainability initiatives. This is important as most sustainability activities happen 'on the ground' where local people are caring for their environments and people. This ongoing care occurs in a number of ways, one of the most effective being through working with volunteers.

This report outlines the diverse range of activities that are currently operating such as the Council managed programs (i.e. Bushcare) and those in which Council has a role as a facilitator and facility provider (i.e. Sporting Organisations). It is not the intent of this report to change any of these structures, the aim is to strengthen and grow upon existing models. Through initial consultation, in preparation for this report, representatives of programs expressed common areas of need in recruitment, training, funding and the retention of volunteers. These issues could be assisted through the introduction of an evolved approach to volunteering in Ku-ring-gai.

This report aims to open discussions with existing volunteers and community groups so their needs can be better understood and future directions planned following their input to the draft Volunteer Ku-ring-gai Policy and Strategy which will be important documents in the implementation of the future Sustainability Plan for Ku-ring-gai.

RECOMMENDATION

- A. That the draft Volunteer Ku-ring-gai Policy and Strategy be placed on public exhibition for 40 days.

- B. A series of workshops with key volunteer groups be conducted on the Draft Policy and Strategy document.
- C. A report detailing the outcomes of the workshops and any community responses to the original document come to Council for adoption.

Kirsten Davies
Sustainability Program Leader

Peter Davies
Manager Sustainability & Natural Environments

Steven Head
Director Open Space & Planning

Janice Bevan
Director Community Services

Attachment: Draft Volunteer Ku-ring-gai Policy and Strategy - 686201

Volunteer Ku-ring-gai

Draft Policy and Strategy Document



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Attachments

Templates- Registration form, Bushcare Policy and Insurance

1. Executive Summary

A strong partnership between Council and its residents will be critical in terms of the long term implementation of future sustainability initiatives. This is important as most sustainability activities happen 'on the ground' where local people are caring for their environments and people. This ongoing care occurs in a number of ways, one of the most effective being through working with volunteers.

This report outlines the diverse range of activities that are currently operating such as the Council managed programs (i.e. Bushcare) and those in which Council has a role as a facilitator and facility provider (i.e. Sporting Organisations). It is not the intent of this report to change any of these structures, the aim is to strengthen and grow upon existing models. Through initial consultation, in preparation for this report, representatives of programs expressed common areas of need in recruitment, training, funding and the retention of volunteers. These issues could be assisted through the introduction of an evolved approach to volunteering in Ku-ring-gai.

It is recommended that a new organisation to be known as Volunteer Ku-ring-gai (VK) be established. This body will appoint volunteer managers, who, with assistance from Council, will run departments working in Recruitment and Training, Knowledge, Administration and Finance. This initiative will empower volunteers and access their skills in a true partnership with Council, in the running, development and delivery of community volunteer programs.

A new advisory committee will be established to provide direction and assistance to VK, members of which will be a Councillor, the volunteer managers and the community volunteer leader (an employee of Council).

Also examined in this report are the roles of patrons and how they will provide legitimacy, increased awareness and support for the programs they are associated with.

The Draft Volunteer Ku-ring-gai Strategy will implement the Policy. It will have a five year timeframe (2007- 2012) after which time it will be reviewed.

2. Background

One of the challenges of Ku-ring-gai's long term sustainability is to examine how Council can work in closer partnership with its residents to maximise available resources and to maintain and strengthen community cohesion. Over the next two years Ku-ring-gai's Sustainability Plan will be developed with a key aim of increasing the dialogue and activities between Council and its residents. An important strategy in achieving this will be the strengthening of volunteer programs and activities.

Ku-ring-gai has a long history of working with its community and facilitating volunteerism. The Council's commitment to this is also reflected in our corporate goals as we are striving for a 'healthy, active, vibrant, inclusive, informed and culturally aware community' and 'that we will have a strong culture of community participation' (Ku-ring-gai Council Management Plan 2006-2010). As part of this year's Management Plan Council is required to encourage greater participation in community based volunteer programs. Individual planning instruments such as the Open Space Strategy, Bushcare Strategy, Sport in Ku-ring-gai Strategy, Biodiversity Strategy and The Community Plan (2005-2008) all include a commitment to develop ways of increasing volunteering and community partnerships.

Over many years Council has worked with a large number of community groups, many of which have a strong volunteer base. These groups are able to provide services to the community in a way that Council is not resourced to do, such as Ku-ring-gai Neighbourhood Centre, Ku-ring-gai Historical Society and community fire units. Council has many ways of assisting the differing volunteer programs both through in-kind and direct financial support. The Community Grants Program and the Environmental Levy's small grants program are examples of direct financial assistance in both the community and environmental areas.

3. Existing models

3.1 Community Services

The Community Plan 2005 – 2009 outlines some of the activities the Community Services Department is involved with, actively promoting volunteering opportunities and acknowledging the contribution volunteers have made in many aspects of community life. Events during Seniors Week, National Volunteer Week and around Christmas go towards thanking volunteers for the outstanding contribution they make to our community organisations. Community Services also auspices a Volunteer Recruitment and Referral and Training Service (VRRTS). This service employs a part-time officer whose role seeks to recruit volunteers for other Home

and Community Care (HACC) funded organisations including Ku-ring-gai Meals on Wheels Service, Ku-ring-gai Neighbour Centre, Easy Care Gardening and day activity centres. The aim of all these services is to provide support to frail elderly people, people with a disability and their carers to enable them to remain in their homes and neighbourhood for longer. Many volunteers play a critical role ensuring that the HACC program is successful and individual resident's needs are met.

3.2 Natural Areas

Within the Natural Areas Division, the volunteer focus has been on the delivery of a suite of environmental 'Care' programs which currently have over 1,300 volunteers. An outline of existing programs is as follows:

- **Bushcare** involves community participation to collaboratively manage natural areas through forming a partnership between residents and Council to improve the condition and biodiversity of the local area
- **Streetcare** focuses on the public verge, footpath and road corridor linking to our existing tree nurturers program
- **Backyard Buddies** is a rear and release initiative of native fauna involving local residents and their backyards
- **Parkcare** is based around supporting the presentation of our formal parks and ovals; and most recently Backyard Landcare which applies bushcare principles to private property in a similar way to rural Landcare.
- **Tree Nurturers** care for street trees providing important assistance for Council's Canopy Replenishment Plan.

3.3 Sport

The role of volunteers within the Ku-ring-gai sporting community serves as an integral tool to the successful management of numerous clubs and associations. Ku-ring-gai's Sport in Ku-ring-gai Strategy (2006) discusses the results of the inaugural questionnaire that was completed by all seasonal hirers in 2005 and acknowledges the significant contributions that volunteers made to the local community. A total of 11,514 volunteers were reported, with the majority of these belonging to the netball and soccer associations. The greatest numbers of volunteers were identified as fulfilling coaching and ground staff positions. The Strategy noted

that many clubs recognised the need for volunteer roles to be carried out on a rotating roster basis (eg canteen duty) rather than specific individuals undertaking the job for a full season.

3.4 Property

Volunteers play an important role in the management, promotion, use and day to day care of a range of Council's properties and assets. This can be through formal lease arrangements such as sporting clubs and scout halls and informal arrangements such as "Friends of" groups such as Tulkiyan, Swain Garden and the association between Australia Native Plant Society and Kuring-gai Wildflower Garden. While the numbers of volunteers in these programs are unknown, they provide a strong link with their respective locations and to other regional and state based volunteer groups such as the Historic Houses Trust and National Trust.

3.5 Volunteer Models

Council currently interacts with volunteers in a variety of ways, directly through funding partnerships or in a facilitating role. Table 1 outlines the involvement of Council in some of these models.

Model	Direct	Funding Partnerships	Facilitation
Example	Bushcare	Meals on Wheels	Sporting Clubs
Advisory Committees	Staff member attends meetings	Staff member attends meetings	Staff member attends meetings of some groups
Insurance	Covered by Council's Volunteer Insurance Policy	Not covered by Council	Not covered by Council
Training	Provided by Council	Not provided by Council	Not provided by Council
Equipment	Provided by Council	Not provided by Council	Not provided by Council
Facilities	Yes (Bushland)	Yes (Community Centre)	Yes (Sporting Ovals)
Direct Capital	Yes	Yes (Part of funding	Yes (to maintain

		partnerships)	assets)
Indirect Capital eg: grants	Yes (Environmental Levy and small grant programs)	Community grants	Council grants
Recruitment	Council directly recruits	Council directly recruits	Council does not recruit

Table 1 Sample of models of volunteering that describe Ku-ring-gai Council's involvement.

4. Sustainability

Sustainability is a term that encompasses a multitude of concerns from climate change to local issues such as domestic water consumption. It equally includes sound financial and social planning and activities.

The commonly used definition of sustainable development is:

"...development that meets the needs of the present without compromising the ability of future generations to meet their own needs." (Brundtland 1987)

Sustainability planning is not a new phenomenon. It is a term for a range of ethical and effective management activities and reporting techniques, many of which have been practised historically by the public and private sectors. Contemporary sustainability theory and planning models focus on four sectors: economic, governance, social and environmental. They are also referred to as 'the quadruple bottom line' (QBL), a system which has evolved in recognition of the interconnected nature of all things and a need to be able to see whole local, regional, national and global pictures.

Many sustainability activities such as addressing climate change, environmental and community care occur 'on the ground' in local communities. It is here that differences can be made that then contribute to national and global levels.

Volunteer activities currently significantly contribute to improving the sustainability of Ku-ring-gai. It is the intent of this Strategy to continue to grow an environment of self care and management through recognising and strengthening volunteerism.

The following are the areas Ku-ring-gai will focus volunteering for sustainability:

- 1/ Designing flexible programs that attract residents with time constraints.
- 2/ Engaging the corporate sector in volunteering projects.
- 3/ Devising reporting systems of volunteer programs that feed into Council's mainframe Sustainability Plan, as this will provide more comprehensive data and understanding of the Local Government Area.

- 4/ Linking the funding of volunteer activities to the Sustainability Plans indicators and objectives.
- 5/ Developing a data base of all volunteer groups in Ku-ring-gai.
- 6/ Designing a system that cultivates a sharing of knowledge and experiences, recognising the broad knowledge base of Ku-ring-gai residents.
- 7/ Prioritising working closely with children and young people as volunteers (such as through schools) particularly on intergenerational activities that benefit the broader community and/ or natural environment.

5. Draft VOLUNTEER Ku-ring-gai Policy

Introduction

The Draft Volunteer Ku-ring-gai Policy has been designed as an overarching statement of intent which describes Ku-ring-gai Council's aim to recognise and strengthen volunteer projects and programs.

Intent

Ku-ring-gai Council has a long history of working with our community as volunteers and is committed to broadening our network to enhance many of Council's activities. Volunteer programs are core business of Ku-ring-gai, assisting the community and environment. Biodiversity and the quality of life for all residents are the key priority areas upon which volunteer programs operate within Ku-ring-gai's sustainability framework.

Definition

A volunteer is a person who gives their time, resources or knowledge to benefit Ku-ring-gai's environment and its people, without remuneration.

Obligations of Volunteers

Volunteer workers are considered to be vital contributors for the improvement of Ku-ring-gai. As part of the organisation, volunteers represent The Council and are expected to adhere to Council's Code of Conduct and comply with policy requirements and legislation. Volunteers will be required to attend essential training, such as Occupational Health and Safety.

Obligations of Paid Staff and Elected Representatives

The Councillors and staff of Ku-ring-gai Council will continue to work pro-actively in partnership with volunteers, valuing their contributions as colleagues. Whenever appropriate and possible, Council will accommodate volunteer's resource, training and education requirements.

6. Organisational model

A proposed organisational model (see below) has been developed to implement the policy and describe how Council in partnership with local community and sporting organisations can further develop volunteering. The model commences with Ku-ring-gai's people and environment progressing to the elected representatives who have been given the decision making responsibilities, by the community, to care for Ku-ring-gai. This model should be seen in terms of a holistic approach to volunteering that recognises the work of existing organisations that may not currently have a strong connection to Council as well as Council managed Volunteer Programs.

The next level represents all of the people, in any capacity, who are prepared to contribute as volunteers. As part of an annual recruitment process people will be consulted regarding their individual interests and expertise and the time they have to give. Some people would be referred to existing agencies (such as Meals on Wheels, Sporting Organisations, Historical Society etc) while others may be included in Council operated programs. Wherever possible, flexible tasks will be designed to accommodate individual availability, such as in the cases of 'time poor' residents and young people. A key to the success of this approach will be the appointment of volunteer managers who will work alongside Council officers.

The proposed Volunteer Model describes 2 levels of management; the first is managing departments for recruitment and training, knowledge, marketing, guiding, administration, fundraising, social activities, and finance. This will facilitate a combined approach to all aspects of volunteering, maximising resources (such as advertising) and encouraging differing sectors to work together (such as the Library and Bushcare). The other level is the individual programs operated by Council, which would also have volunteer managers to oversee all aspects of the programs' operations.

This system of self management can be seen currently operating successfully in many sporting clubs and takes much of the responsibility for the day to day volunteer coordination away from Council Officers who would usually work with the volunteer managers rather than individual volunteers. Government Agencies are represented to one side of the Volunteer model indicating that they are a resource for volunteers. Associations or NGO's are featured on the

opposite side and may have varying amounts of involvement. As an example, local organisations such as Ku-ring-gai Bushcare Association would continue to have a direct role while The Australian Conservation Foundation is more at “arms length”.

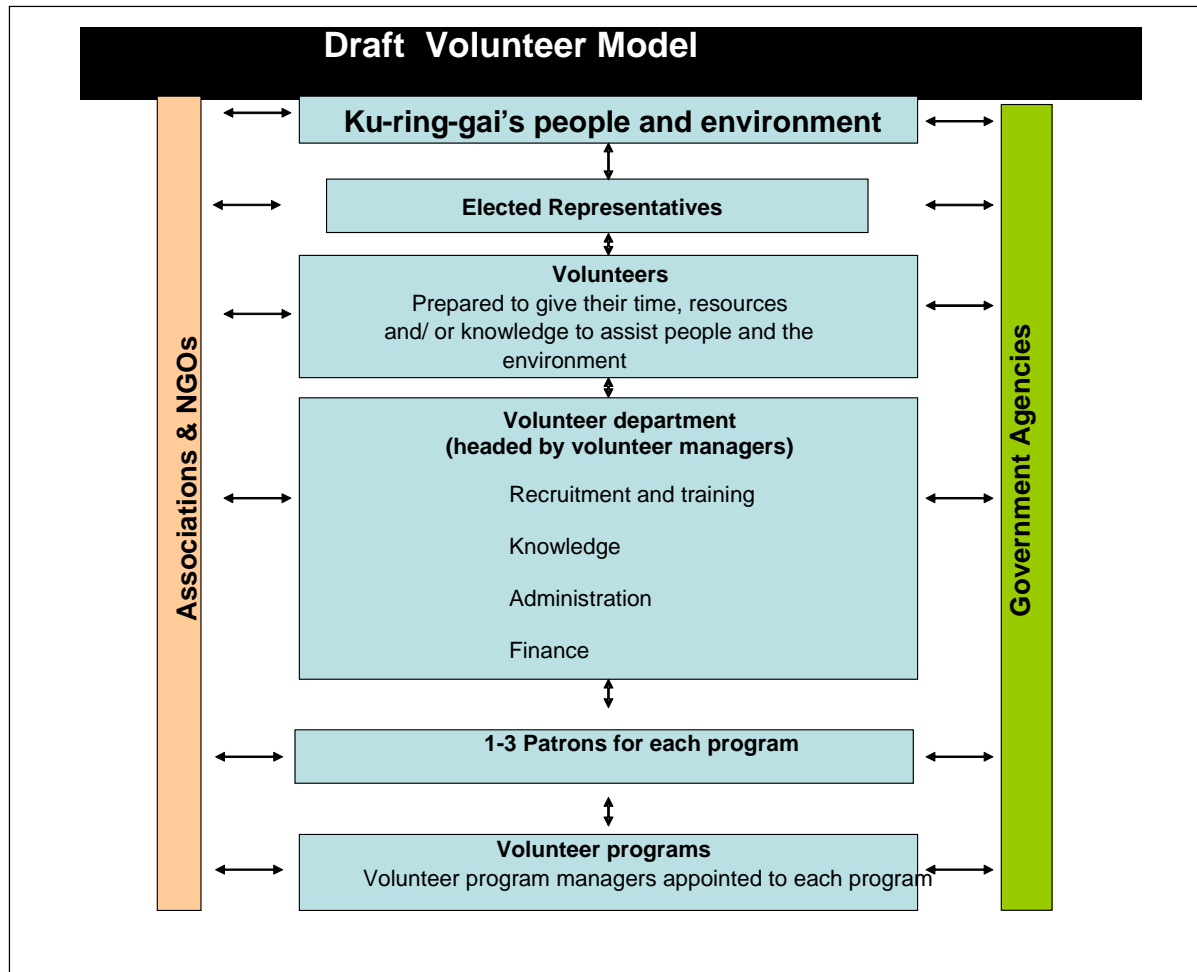


Figure 1. Volunteer Ku-ring-gai (VK) Draft Organisational Model

7. Management

Volunteer Ku-ring-gai will be administered by a new advisory committee of Council. This committee will comprise of an executive officer – (the Community Volunteer Leader who is a Council employee), a Councillor and the volunteer managers who run the four departments that make up Volunteer Ku-ring-gai.

The Volunteer Managers will be elected annually at the Annual General meeting of that organisation.

Volunteer Ku-ring-gai

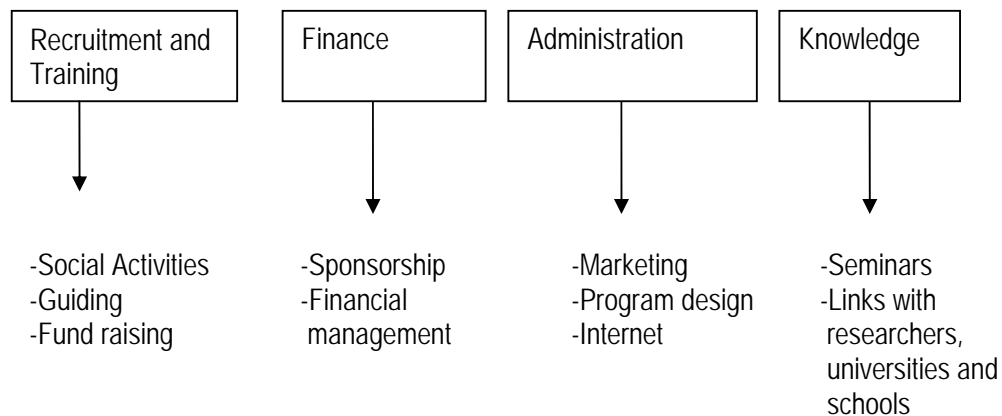


Figure 2 shows the structure of Volunteer Ku-ring-gai with its four departments headed by Volunteer Managers

8. Finance

Volunteer Ku-ring-gai will access the funds that Council currently makes available to community volunteers. These funds are principally from Council's concurrent budget and the Environmental Levy. The Volunteer Finance Manager will be responsible for the finances of VK and will actively pursue sponsorship opportunities.

It is planned to establish a Financial Trust which in part will be managed by Council in consultation with the Advisory Committee and the Volunteer Community Leader. The establishment of a Foundation will be investigated at a later date.

9. Recruitment and training

Volunteers, as have paid Council staff, will have a Position Description. VK will coordinate the recruitment and training of volunteers, with the express aim of maximising resident involvement in community partnership programs.

Fundraising and the development of an annual program of social events will also be done by this Department.

10. Knowledge

Volunteer Ku-ring-gai will work with local governments, tertiary institutions, schools and other government and non government organizations.

The links between this group of institutions will connect volunteers with experts, leading to synergies of information, research and resources.

Another important aspect of the Knowledge section are the oral histories that exist within the residential population. These histories will be collected and documented so that the information can be used to help determine current and future strategies.

11. Administration

The Administration Department with assistance from Council is responsible for branding and marketing of VK, maintaining a current web page for VK and developing new program initiatives.

To assist with marketing, a logo will be designed for Volunteer Ku-ring-gai. This logo will be used on all letterheads and forms. Sample safety vests have already been designed with the words 'Volunteer Ku-ring-gai' emblazoned on them, for volunteers (such as those in Streetcare) who have a need for them.

12. Patrons

Volunteer Ku-ring-gai -Patrons for Council Volunteer Programs

As part of this development Council will appoint up to 3 patrons per program. The terms of these appointments will be for 5 years.

Definition A patron is an advocate, mentor and figurehead for a program adding to its growth, direction and credibility.

Patrons are important people for a program's success and development. For example they may agree to:

- offer advice, assistance and guidance
- be named on letterheads and/or in annual reports
- attend events
- generate media coverage
- be prepared to speak on behalf of the program

A patron could be:

- an expert or leader in a field relevant to the aims and purpose of a program
- an advocate or someone who strongly believes in a program and activities
- a person who is prepared to give adequate time to the program

Appointment of Patrons: To become a patron, potential people will be identified through program participants and approached to determine their interest. The appointment of a patron to a Council program will then need to be approved by Council. It will be necessary to obtain 'in principle' agreement from an individual prior to being put forward as a patron. Patrons will be appointed for five years with the opportunity for both parties to terminate the arrangement without prejudice.

Note Patrons have no legal responsibilities; they are honorary positions.

13. Insurance

Insurance cover will be in accordance with the type of volunteer activity. For example, in the case of Council operated activities, Council's insurance will apply. Alternatively, school students involved on a community project within school grounds would be covered by the school's insurance.

OH&S training and a Council commitment to ensuring a safe work place for all staff and volunteers will minimise insurance claims. If however, a VK member requires insurance, Council has an insurance policy that is available on a case by case basis.

14. Future Programs

Volunteer Ku-ring-gai will expand into a range of new activities, some that are anticipated, some that are yet to make themselves known. Anticipated areas are:

- Corporate environmental and community projects
- Ku-ring-gai Wildflower Garden interpretation
- Nursery propagation
- School liaison
- Historical re-enactments
- Puppet plays for the community
- Biodiversity initiatives

15. Action Plan Annual Aims (2007- 2012)

2007

Listed below are tasks for the Community Volunteer Leader

- Develop marketing material for Volunteer Ku-ring-gai
- Establish a database of volunteer organisations and contacts
- Assist in the establishment of a Financial Trust
- Establish a Volunteer Ku-ring-gai advisory committee
- Commence a recruitment drive and establish the Volunteer Ku-ring-gai executive
- Work with IT staff to ensure that the new Management Software can accommodate volunteer activities

2008

- Annual review and business plan for the following year
- Design funding programs to prioritise draft objectives and indicators of Sustainability Plan.
- Work with the Volunteer Ku-ring-gai executive to continue to develop Volunteer Ku-ring-gai

2009

- Annual review and business plan for the following year
- The Sustainability Plan will commence being implemented in 09/10 Financial Year. Data from Volunteer Ku-ring-gai will be collated and fed into the Plan.

2010

- Annual review and business plan for the following year

2011

- Annual review and business plan for the following year

Contact Details:

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PABX TENDER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide information on Council's tender for the provision of a PABX telephone system and associated equipment and the tender for fixed line call costs and data services.

BACKGROUND:

In January 2006 Council called for tenders for telecommunication services which included costs for mobile phones, fixed lines, data services and internet services.

On 21 February 2006 Council called for tenders for the supply and installation of a PABX telephone system and associated equipment. The pricing of the solutions offered by Optus and Soul are based on the assumption that Council use their services for fixed line and data services.

COMMENTS:

Tenders for telecommunications services closed on 14 February 2006. Details of results of the tenders were reported to Council on 13 June 2006 (**Attachment A**).

Tenders for the PABX closed on 28 March 2006 with five submissions being received. Of the five tenderers, two offered two varying options as part of their offer. An evaluation of the tenders has been completed with details of the process and a recommended preferred supplier included in this report.

RECOMMENDATION:

That Council accepts the tender from Optus for the supply of a PABX, fixed line and data services.

PURPOSE OF REPORT

To provide information on Council's tender for the provision of a PABX telephone system and associated equipment and the tender for fixed line call costs and data services.

BACKGROUND

In January 2006 Council called for tenders for telecommunication services which included costs for mobile phones, fixed lines, data services and internet services.

On 21 February 2006 Council called for tenders for the supply and installation of a PABX telephone system and associated equipment. The pricing of the solutions offered by Optus and Soul are based on the assumption that Council use their services for fixed line and data services. Tendered prices for call costs are detailed in **Attachment B** (confidential) to this report.

As the PABX tender is dependent on fixed line and data services this report deals with that tender, and the telecommunication services tender.

COMMENTS

Tenders for telecommunications services closed on 14 February 2006. Details of results of the tenders were reported to Council on 13 June 2006. A copy of the report is **attached (Attachment A)**.

Council retained PABX Advisory Services to design and tailor a corporate telecommunication network solution. The scope of work included investigation of the operational viability costs of equipment and services at:

The Administration Centre
Gordon Library
Lindfield Library
St Ives Library
Turramurra Library
Gordon Depot
North Turramurra Depot
Thomas Carlyle Child Care Centre
Art Centre
Wildflower Garden
Nursery

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The results of this initial investigation and assessment led to the creation of technical specifications for calling of tenders for the supply and installation of new PABX telephone and peripheral equipment.

The specifications called not only for the supply and install of telecommunications infrastructure but also for options pertaining to the location of the infrastructure, eg. located on-site or co-located within the tenderer's data centre. This may then have the added considerations relating to Council's fixed land lines and data services.

Each option tendered in response to the Request for Tender (RFT) specifications by default, are a whole of communications solution. They deliver this if they succeed in delivering appropriate solutions to all sites of Council.

The process therefore looked at not only the tendered solution itself but the effects of each solution on media delivery such as telephone calls and the wide area networking of all Council sites.

EVALUATION METHODOLOGY

The evaluation methodology for the supply and installation of PABX telephone and peripheral equipment, is detailed in the following step structure. It should be noted that the necessity for weighting procedures has been largely negated by the initial design process whereby the tenderers were asked to provide solutions against a detailed specification without variation:

1. Undertake a technical evaluation of each tender to establish the degree to which each tender is compliant with the major and minor components of the technical specifications.
2. Any tenders that are found to be non-compliant with any major technical specification criteria are segregated and will not be further considered unless all tenders are so found to be non-compliant.
3. Seek clarifications whereby any tendered answer or offer is not clearly and precisely defined.
4. Perform a financial analysis against each major technical criteria compliant tender to establish exactly what each tender would cost Council over a six-year period.
5. Sort all major technical criteria compliant tenders by cost.
6. Weight, by the imposition of additional impost, any minor technical specification, non-compliance issues.
7. Re-sort by weighted six-year financial analysis results.
8. Recommend a short list of at least two tenders being by default the least expensive most compliant offers.
9. Interview each of the shortlisted tenderers from which any questions that arose were addressed to the respective tenderer.
10. From step 9, Council and PABX Advisory Services identify the most favourable offers to Council and Council attended a demonstration session at the tenderer's premises.

TENDERS RECEIVED

There were five offers submitted to PABX Advisory Services by Council for evaluation, these being:

1. CDM
2. Optus

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3. Global Connect
4. Soul
5. PTS Communications

Of these, both Optus and Soul offered variations. Optus offered a solution whereby the core equipment was located firstly at Council's premises and secondly at Optus' data centre and acquired via capital costs or via rental program. Soul on the other hand offered the same solution but acquired either via capital cost or via a rental program.

EVALUATION PROCESS and OUTCOMES – see confidential **Attachment C**

The solution offered by Optus will provide Council with state of art technology in terms of PABX and telecommunications equipment. The proposed system will:

- Provide new handsets for all users with significantly improved quality and functionality.
- Provide software that allows users to effectively use their PC (if desired) to operate their phone. ie. dial numbers, track whether others users are available, access contacts from Microsoft Office.
- Provide for additional telecommunications functionality such as caller identification, conference calls, voice mail etc.
- Improved call centre functionality such as call management and reporting. The system will also provide the capacity to set up additional call centres throughout Council if required.
- Provide a higher capacity voice and data network linking all of our remote sites.
- Provide fault tolerance, as the system is hosted by Optus. Any loss of communication at any one of Council's sites will not greatly affect any other sites.
- Improved efficiencies. With the tender process, call costs are approximately halved which allows Council to purchase or lease the new software and equipment without any incremental costs when compared to our existing telecommunications costs. The tender allows for a review of costs every two years and as this solution allows for the most up to date technology, it is anticipated that call costs will decrease even further over the next six years.
- Provide for the installation of gateways which allow fixed line to mobiles calls to be charged at mobile to mobile rates (approximate savings are in the order of \$15,000 per year).

CONSULTATION

Extensive consultation and demonstrations have been held with complying tenderers.

FINANCIAL CONSIDERATIONS

It is estimated that the preferred option of the Optus owned and hosted system is cost neutral in comparison to Council's existing telecommunications costs (**Attachment D** - confidential). However as these calculations are based on estimates that are difficult to project it is anticipated that if there are any additional costs associated with the proposed system, that these costs are funded through the savings generated from the new mobile phone contract that was recently negotiated and implemented.

As part of the contract arrangement, pricing on call costs are to be reviewed every two years and it is anticipated that the price of calls will decrease over time with the continued introduction of new technology.

Pabx Advisory Services was engaged to audit Council's existing telecommunication services, develop the system specifications and the tender documentation as well as assisting with the management of the tender process which included technical and financial analysis of the tenders and clarification of any issues that arose. The fee for Pabx Advisory Services is 9% of the invoiced amount of the PABX costs and 6% of call costs. The fee is paid by the supplier and is not additional to the prices quoted in the tenders.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Community Services and Finance and Business were involved in the assessment of the tenders. Prior to the preparation of the specification for the solution all indoor staff were surveyed and consulted regarding functionality requirements and existing usage patterns.

SUMMARY

On 21 February 2006 Council called for tenders for the supply and installation of a PABX telephone system and associated equipment and services. Five submissions were received and after extensive analysis the Optus owned and hosted system was selected as the preferred option to meet Council's requirements in terms of telecommunications. The effect of this tender and the tender for telecommunication services means that Council can upgrade to state of the art technology with new hardware and software for a period of six years with costs projected to be no more than those currently being incurred with the existing PABX and related systems.

Pending approval of the recommended option it is anticipated that a new PABX system can be installed in early 2007.

RECOMMENDATION

- A. That Council accept the tender from Optus for the supply of a PABX, fixed line call costs and data services.
- B. That the execution of all documents relating to the tender be delegated to the Mayor and General Manager.
- C. That the Common Seal be affixed to any necessary documents.

John Giovinazzo
Manager Information Technology

John Clark
Acting Director Finance & Business

Attachments: **Attachment A: Telecommunications Carriage - Tender Report to Council dated 30/05/06 - 624490**
 Attachment B: Fixed Call and Data Services Pricing (Confidential)
 Attachment C: Evaluation Process & Outcomes (Confidential)
 Attachment D: Net Present Value of PABX Tender (Confidential)

TELECOMMUNICATIONS CARRIAGE- TENDER REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide information on Council's tender for telecommunications carriers and recommend a carrier for Council's mobile phone call services.

BACKGROUND:

In 2005 Council was approached by PABX Advisory Services to join with several other New South Wales Councils in a group tender for telecommunications services. The aim of the project was to establish a structured and mutually beneficial alliance with one or more suppliers for the orderly and cost effective supply of telecommunications services. It was anticipated that joining with the other Councils would result in more competitive pricing for all categories and that PABX Advisory Services managing the process would provide for expert advice and professional services.

COMMENTS:

Tenders closed on 14 February 2006 with 10 carriers submitting tenders. Tender details are included in this report.

RECOMMENDATION:

That Council accept the tender from Optus for the supply of mobile phone services and call rates.

PURPOSE OF REPORT

To provide information on Council's tender for telecommunications carriers and recommend a carrier for Council's mobile phone call services.

BACKGROUND

In 2005 Council was approached by PABX Advisory Services to join with several other New South Wales Councils in a group tender for telecommunications services, being:

- Mobile services and call rates (S1)
- Fixed land line services and call rates (S2)
- Internet services and rates (S3), and
- Virtual Private Networking services and rates (S4)

The aim of the project was to establish a structured and mutually beneficial alliance with one or more suppliers for the orderly and cost effective supply of telecommunications services. It was anticipated that joining with the other Councils would result in more competitive pricing for all categories and that PABX Advisory Services managing the process would provide for expert advice and professional services.

When tenders were called in January 2006, 15 Councils had joined the tender group and they included:

- Balranald Shire Council
- Bega Valley Shire Council
- Hawkesbury City Council
- Kiama Municipal Council
- Kogarah Municipal Council
- Ku-ring-gai Council
- Lane Cove Municipal Council
- Leichhardt Municipal Council
- Orange City Council
- Penrith City Council
- Port Macquarie-Hastings Council
- Queanbeyan City Council
- Upper Hunter Shire Council
- Willoughby City Council

As part of the tender process all Councils were able to choose whichever supplier they deemed appropriate (if any) and some, all or none of the services. Councils could then negotiate contracts individually.

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30 May 2006**COMMENTS**

Tenders closed on 14 February 2006. There were 10 tenderers with each tendering for one or more of the sections S1, S2, S3 or S4. They are as follows:

Tenderer	Service
Optus	S1, S2, S3 and S4
Macquarie Telecom Pty Ltd	S1, S2, S3 and S4
Soul Pattinson Telecommunications Pty Ltd	S1, S2, S3 and S4
Southern Phone Company Ltd	S1, and S2
ATI Australia Pty Ltd	S4
Aussie Dial Pty Ltd	S2
Vertebral Solutions	S3 and S4
Netforce Pty Ltd	S3 and S4
MCI Worldcom Australia Pty Ltd (Verizon)	S2 and S3
Eftel Pty Ltd	S3 and S4

The following table summarises which tenderers complied with each of the sections for which they tendered:

Tenderer	Compliant Sections
Optus	S1, S2
Macquarie Telecom Pty Ltd	S1, S2, S3, Part S4
Soul Pattinson Telecommunications Pty Ltd	S3, S4
Southern Phone Company Ltd	S1, S2
ATI Australia Pty Ltd	S4
Aussie Dial Pty Ltd	No
Vertebral Solutions	S3, S4
Netforce Pty Ltd	S3, S4
MCI Worldcom Australia Pty Ltd (Verizon)	No
Eftel Pty Ltd	S3, S4

As Council is currently tendering for the supply of a new telephone system (PABX), services for fixed land lines and call rates (S2), internet services and rates (S3) and virtual private networking services and rates (S4) are not, at this point in time being considered as part of this report. The type of services and their costs will be determined by the new PABX system that is installed.

The purpose of this report is to consider the tenders for Mobile services and call rates and recommend a suitable provider. In assessing mobile phone call costs the following categories were established to measure usage patterns to determine the most efficient tenderer:

- Council mobile to Council mobile calls
- Council mobile to same carrier mobile calls
- Council mobile to other carrier mobile calls
- Council mobile to fixed line calls

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- SMS
- Voicemail deposits
- Voicemail retrievals
- Other charges

To compare call costs for each carrier, the costs of the categories above were calculated on the tendered prices and compared to Council's existing costs. **Attachment 1** details initial estimates for each of the complying tenderers in terms of the potential savings when compared to Council's existing rates and call patterns.

In order to measure the costs of the tendered prices compared to existing rates, a sample month (July 2005), was analysed to illustrate the projected costs. **Attachment 2** shows that, in terms of price, Optus is the best option for Council. Based on the sample month Council would save approximately \$41,000 per annum or potentially \$58,000 depending on the outcome of the PABX tender and the technology that could be utilised.

In addition to the financial considerations, coverage testing was conducted throughout the Council area, including various blackspots reported by staff. Coverage by the three networks tested varied from location to location but overall, were considered adequate. The results for Optus show that we will receive the same or improved network coverage. Areas where coverage was not available for Optus is the same for all carriers and mainly only includes fire trails and deep valleys.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The adoption of the recommendation contained in this report is projected to result in savings of approximately \$58,000 per annum. It is proposed that these savings be allocated towards funding a new PABX system, pending the results of that tender which is currently being assessed.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation took place with various departments in terms of testing the mobile phone coverage of the various carriers.

The tender processes have been validated by Council's corporate lawyer.

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SUMMARY

Following the assessment of tenders received for telecommunications carriage, it is recommended that, at this stage, Council proceed with accepting the tender from Optus for mobile services and call rates. This is projected to result in savings of approximately \$58,000 per annum.

RECOMMENDATION

- A. That Council accept the tender from Optus for mobile services and call rates in accordance with the terms and conditions contained in their tender.
- B. That Council not accept any of the tenders for fixed land line services and call rates, internet services and rates and Virtual Private Networking services and rates, pending the assessment of a current tender covering the replacement of Council's PABX.

John Clark
Acting Director Finance & Business

John McKee
General Manager

Attachments: **Attachment A: Mobile phone tender analysis - Confidential**
 Attachment B: Mobile costs comparison - Confidential

MARIAN STREET THEATRE - PROPOSED USE & BUILDING UPGRADES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the potential issues surrounding the short term use of Marian Street Theatre (MST), and impacts on current and future usage in relation to the building's condition.

BACKGROUND:

In June 2006, the 'Marian Street into the Future' workshop was held with Councillors to develop and discuss potential options for the Theatre.

COMMENTS:

Numerous factors impact on the future use of the Theatre.

RECOMMENDATION:

That Council commence an expression of interest process with those groups who have formally registered their interest to use the Theatre, to enter into a short term lease.

PURPOSE OF REPORT

To advise Council of the potential issues surrounding the short term use of Marian Street Theatre (MST), and impacts on current and future usage in relation to the building's condition.

BACKGROUND

In October 2002, Council called for Expressions of Interest (EOI) for the use of the Marian Street Theatre. The EOI resulted in a proposal to utilise the premises as a Theatre Restaurant as the preferred submission.

On 17 December 2002, Council resolved to enter into further negotiations with the preferred proponent regarding the potential lease of Marian Street Theatre (MST). The outcomes of negotiations between Council and the proponent resulted in Council resolving (10 June 2003) to grant a five (5) year lease subject to the approval of a development application (DA).

In September 2003, a DA was submitted by the applicant. The assessment process identified issues surrounding permissible uses and existing use rights under the current zoning. Council sought legal clarification of existing use rights pertaining to the Theatre. Council also requested additional information to be provided from the applicant to assess planning considerations. Despite several requests, and a subsequent meeting between Council and the applicant, no additional information was provided and eventually the applicant withdrew the DA to use Marian Street Theatre as a Theatre Restaurant in October 2004.

During 2005, Council wrote to the applicant to seek confirmation on whether a new DA would be lodged for the use of the Theatre. The applicant did not respond to Council's correspondence.

Throughout the latter part of 2005, Council also investigated possible future uses for the Theatre. An opportunity arose during this period to experiment with the co-use of the MST with an amateur theatre company. This occurred due to the unavailability of the Pymble Town Hall for the group's performances, and negotiations commenced for the hiring of the MST, for evening performances during August – October 2005.

In June 2006, the 'Marian Street into the Future' workshop was held with Councillors to develop and discuss potential options for the Theatre. Potential options considered at the workshop included:

- Maintain current arrangement with sitting tenants
- Theatre and Restaurant - under lease arrangement
- Theatre and Restaurant – managed by Council
- Hall Hire – user agreement managed by Council
- Community Centre - managed by Council
- Reclassify with a view that the Operational classification of the land will allow commercial management of the Theatre without the need to comply with the rigours of Local Government Act 1993 and the Plan of Management.

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- Rezone in line with adjoining properties and reclassify to enable the potential sale of property as a residential 2(d3) site.

As a result of the workshop two options were identified for the future use of the Marian Street Theatre. Those being;

- The development of a National Children's Theatre at the site.
- The potential rezoning, reclassification and sale of the property with a view to build a new Theatre facility.

The latter option has not been progressed at this stage.

The Theatre is currently occupied by Marian Street Theatre for Young People (MSTYP) on a monthly tenancy. This occurred through a lease variation in 2004. A brief overview of the Theatre is as follows;

- Built 1906
- Zoned 5(a) Special Uses – Municipal purposes
- Community Classified Land
- Seats 300 people
- Restaurant
- Bars x 2
- Administration offices x 5
- Backstage area and workshop
- Box Office
- 40 parking Spaces

COMMENTS

A number of Theatre Groups have approached Council to use the premises for performances. Some of these groups are seeking a permanent location for their rehearsals and productions. The following groups have now formally registered their interest in using the premises;

- MSTYP
- Ensemble Theatre
- RAPA Theatre Group
- The Actor's Forum

Discussions with other Councils (Parramatta, Warringah and Willoughby) revealed that it would be unlikely that a professional Theatre Company would take on the MST due to the potential impacts from adjoining Councils' future capital projects. An amateur company is a likely candidate as the demand for venues for amateur and community groups outweighs the available venues. Most amateur theatre groups rely heavily on sponsorship and financial support to ensure their viability.

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Numerous factors impact on the future use of the theatre. An explanation of the issues is as follows;

Building Condition

Council's Building Condition Audit Report, prepared by Sinclair Knight Merz 2002, estimates approximately \$495,120, in building maintenance works required at the Theatre.

It would be reasonable to assume that as the above figures are only estimates that the actual costs associated with the identified works could be significantly higher.

Council records show a cost to Council of \$27,440, for 2004/2005 and \$25,800 for 2005/2006, to maintain the premises in its current condition. These costs are predominately for reactive maintenance and essential services maintenance. Council has not undertaken any significant programmed building maintenance or capital works at the Theatre as it was envisaged that a future lessee would be required to take on this obligation.

Due to the building's age and condition, Council engaged Tyrrell's Property Inspections (TPI) in July 2006, to undertake a risk assessment and provide updated advice on the condition of the building as well as associated costings. This is warranted as any increase in the use of the premises will require significant expenditure to bring the building to a compliant and safe standard as a place of public entertainment (POPE). The assessment criteria used by TPI is based on MST as a combination of Class 9B POPE and Class 5 Offices and Class 6 Restaurant/Shop.

The report by TPI, estimates approximately \$591,150 in building maintenance works required at the Theatre. Detailed in **Attachment A**, is a list of serious issues, with corresponding actions required. These have been prioritised as high, medium and low with associated costs. Total costs for each are:

- High Priority - \$110,650
- Medium Priority - \$183,300
- Low Priority - \$297,200

High priority costs are mainly age related maintenance and compliance issues.

A comparison between Council's approved Building Maintenance Program (BMP) 2006/2007 for works at the Theatre and the report by TPI identified two similarities totalling \$15,000. Thus, to undertake high priority works a further \$95,650 is required, by either funding from BMP by offsetting works at other Council properties, or an alternative funding source.

Current users

The Theatre is currently occupied by Marian Street Theatre for Young People Inc (MSTYP) on a monthly tenancy. In 2001 MSTYP took over the management of the Children's Theatre and Drama Centre, formerly part of the now defunct Marian Street Theatre Ltd. MSTYP is a not-for-profit organisation.

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MSTYP has been part of the Ku-ring-gai community for in excess of 35 years. It is the longest running children's theatre in Sydney, with audiences from all over Sydney and as far afield as Canberra, the Blue Mountains and Lake Macquarie. On average 11,000 people (8,000 children) see the productions annually.

Since 2002, MSTYP has been able to continue as a creative centre for drama and children's theatre through the support of Ku-ring-gai Council, St Ives Shopping Village, Remax Advantage Real Estate Lindfield, Sydney's Child Magazine, The Marian Street Theatre Foundation and The Killara Flower Shop. A variety of special one-off projects occur through partnerships with other organisations. The financial support from the Rural Fire Service and Sydney Harbour Foreshore Authority assists to pay professional theatre artists to mentor young people and to pay for experienced young performers.

The core business of MSTYP is the drama school and the three productions for children produced each year at MST. MSTYP combines both children's and youth theatre opportunities, along with opportunities for young people to participate in the various aspects of theatre as performers, stage crew, lighting, set and costume design, and to interact with the public in roles such as front-of-house, box office and children's party hosting.

The attached program identifies the usage by MSTYP of the theatre throughout 2007 (**Attachment B**).

Council could consider a review of the arrangement with the current users. Whilst MSTYP has not been able to contribute financially, in the past they have provided a sense of presence at the Theatre, and their role in the community, and the community contribution made through their occupancy is valid. Discussions with MSTYP have indicated that they are prepared to commit to a new lease, and the responsibilities under a new lease need to be investigated further. Recently, MSTYP submitted a proposal which would realise rental income for Council. The premise of this offer is on the basis that they retain exclusive use rights at the Theatre and that the building condition is brought up to standard that complies with building, fire and OH & S standards (**Attachment C**).

Potential Users

Ensemble Productions Pty Ltd (Ensemble)

In September 2006, The Ensemble approached Council seeking to utilise MST during 2007, as they have outgrown their regular venue at Kirribilli and require an additional facility to accommodate their increasing audiences (**Attachment D**).

The Ensemble Theatre is New South Wales' longest running professional theatre company providing quality productions on Sydney's North Shore since 1958. The closure of MST for adult performances some five (5) years ago saw many patrons seek alternative venues, one of those being the Ensemble Theatre at Kirribilli.

Correspondence from the Ensemble has confirmed that they are sensitive to the needs of MSTYP, and are prepared to find a suitable compromise that will benefit both companies. Ensemble Productions Pty Ltd have provided an indication of the proposed dates and times to use MST

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(Attachment E). When comparing this with a similar template submitted by MSTYP it appears there is little opportunity to develop a dual use arrangement out impacting on the current operations of MSTYP. They have requirements regarding the venue and essentially those expectations are:

- A safe venue that meets OH & S standards
- An attractive venue in regards to building facilities and standards

RAPA Theatre Group (RAPA)

RAPA is an amateur theatre company that regularly uses Pymble Town Hall for its performances. An opportunity arose during the latter part of 2005, to experiment with co-use of the MST with RAPA. This occurred due to the unavailability of the Town Hall for the group's performances, and negotiations commenced for the hiring of the MST, for their production of Coppertail Creek during August – October 2005.

As with all amateur theatre groups they rely heavily on sponsorship and financial support to ensure their viability. RAPA's current use of the Pymble Town Hall is subsidised under Council's Fees & Charges for community groups. RAPA has continued to contact Council to secure a permanent venue.

Willoughby Council

An informal discussion with the Manager of the Zenith Theatre revealed that the pending demolition of the Town Hall and Bailey Hall in September 2007, will create a need for Willoughby Council to relocate their Theatre based activities for approximately three (3) years. Willoughby Council is considering a proposal for both Councils to discuss the potential use of Marian Street Theatre during this period. This avenue has not been pursued at this point in time.

Restrictions of Classification and Plan of Management (POM)

The property is classified Community Land under the Local Government Act 1993, and is governed by the POM adopted August 2002. The Local Government Act 1993, S46A states that any lease over community land for a term in excess of five (5) years to a "not for profit" organisation can only be granted by tender in accordance with the Act. However, there is no statutory obligation to call tenders for the lease of community land for a period not exceeding five (5) years.

The POM requires that Council consider the impact of the use of the Theatre on the adjoining residential amenity. The "No Adverse Effects on Adjoining Properties" criteria requires a 90% residential satisfaction with the operations and maintenance of the Theatre and facilities.

There is a history of discontent with an adjoining owner and attempts to halt performances due to noise disturbances from dress rehearsals and performances. Council undertook acoustic monitoring of the Theatre during performances in the latter part of 2005, due to the resident's complaints. The Acoustic Report identified maintenance requirements to improve the "sound proofing" of MST, which were completed in February 2006. Following the acoustic maintenance works no further

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complaints have been received to date, but also no evening performances have been held since that time.

Heritage Assessment

In 2002, Council considered Draft DCP 26, to include the Theatre as a Local Heritage item. Council engaged Tropman & Tropman Architects in 2003, to undertake a heritage assessment of Marian Street Theatre. The report concluded that;

The property demonstrates sufficient heritage significance for it to be included as a heritage item of local significance. The nature of the significance is manifested in the building's current form and the surviving evidence of historical overlays. The overlays are important as they explain how the building has been modified to accommodate historical functions. The building's low level of aesthetic qualities should not diminish its importance for its historical and social associations. Recreation of the building's earlier picturesque form by removing the alterations from the last 30 years should not occur as it will result in the loss of important parts of the building's recent history.

To date the Theatre has not been listed as an item of local heritage significance within the Ku-ring-gai Planning Scheme Ordinance (KPSO), and the heritage significance of the property remains informal.

Adaptive Reuse Marian Street Theatre

Council's Cultural Centre Feasibility Report 2005, recognised the need for affordable performance and rehearsal space and recommended the adaptive reuse of the Theatre as a community-based performing arts rehearsal facility for dance, drama and music available for hire by community groups and tutors.

The report went on to state that the existing building has a significant history as a community based theatre, but is in need of refurbishment and the recommendation that a full assessment of the current building and facilities be prepared by a design specialist with an understanding of the technical needs and requirements of such a facility. This assessment should provide a refurbishment plan that facilitates community-based access to the theatre for performance and rehearsal.

The costs associated with these works are obviously related to the scope and extent of refurbishment. At first glance the foyers, the areas formerly occupied by the restaurant and kitchen, the existing rehearsal, storage and staging areas and the second performance area require review and assessment of their potential for more intensively programmed usage.

The report also noted facilities within adjoining Local Government areas. Related to this report is information pertaining to Willoughby and Warringah Councils' venues, an excerpt of the report is attached (**Attachment**).

Adjoining Councils' Facilities

Given the building's age, condition and location, the longer term use of the Theatre should be considered in light of other nearby facilities and proposed new facilities that offer superior venues.

Willoughby Council – Zenith Theatre & Convention Centre

The Theatre is managed and operated by Council. Located two (2) minutes walk from Chatswood Railway Station and Bus interchange. The Theatre is eighteen (18) years old and provides conference and theatre facilities which can be tailored to meet users needs. The operations of the Theatre are able to provide services and facilities for organisations and individuals. They offer stylish and affordable catering menus and provide clients secure and affordable underground 24/7 parking.

The facilities provide a 251 seat auditorium with comfortable tiered seating and a seminar room for 55. There is also a rehearsal studio that can be used as a break out room.

Over the past 15 years the Zenith has been the venue for many local and interstate performances. The auditorium opens off the main foyer and has a fully equipped technical control room and tiered seating ensuring clear sight lines from every seat. The two rear rows of seats are removable to allow direct street level access for up to 20 wheelchair patrons. A loading bay provides access to the stage via the underground car park.

Willoughby Council - Civic Place Project

Willoughby Council's Civic Place will offer North Shore communities performance and visual arts spaces, educational facilities, celebration and meeting spaces within a 1.2 hectare city block fronting Victoria Ave. The project will provide the following community and cultural facilities;

- Concert Hall
- Civic Place Theatre
- Civic Place Exhibition Hall
- Foyers
- Other spaces associated with the Concert Hall and Theatre
- Rehearsal Space
- Open Space

The Civic Place Project includes a new 1,000 seat concert hall and a 500 seat theatre, including a multipurpose/exhibition hall, rehearsal space. The architectural design program is well underway and subject to achieving all funding required, the \$129 million project will be completed in 2009-2010.

Warringah Council – Glen Street Theatre

The Glen Street Theatre has been in operation since 1985, and seats 400 people. This Theatre is well appointed and modern in comparison with MST. Representatives from Glen Street have advised that the 400 seating capacity at the Theatre is only viable for another five (5) years and that a minimum 500 seats would be required to give the Theatre a further lifespan of approximately 10-20 years. Warringah Council are currently considering the redevelopment/refurbishment of Glen Street Theatre.

CONSULTATION

Following the 'Marian Street into the Future' workshop, information has been sought from representatives of MSTYP and Ensemble Productions Pty Ltd. Discussions with Warringah, Willoughby and Parramatta Councils regarding their respective facilities and the issues surrounding the management and financial impacts have been held informally.

FINANCIAL CONSIDERATIONS

A building condition audit was recently undertaken for the Theatre. The costs have been ranked according to high to low priority works, totalling \$591,150. The estimated costs for high priority works being \$110,650.

If Council were to proceed with a co-use arrangement of the building then there may be a need to undertake these works as soon as possible. If these works were to be expedited then the current building maintenance program would need to be reviewed to accommodate these works and therefore defer some other works listed in the program.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Technical Services and Finance & Business Departments have worked collectively to assess financial implications of the expenditure proposed for building maintenance/repair.

SUMMARY

The age and condition of the Theatre requires significant and ongoing expenditure by Council to ensure the safety of patrons both existing and future.

The recent risk assessment and building inspection indicates \$591,150 as building maintenance priorities. High priority maintenance works requiring an additional \$95,650, in excess of the Council's Building Maintenance Program to be expended during 2006/2007. This is warranted by the increased usage of the Theatre as a place of public entertainment and to ensure users' and patrons' safety.

Council needs to consider the impacts of expending money on a property that could be considered close to the end of its structural building life without a long term strategy. Additionally, the monies discussed in this report will not contribute towards refurbishment or improving the aesthetics of the Theatre.

The Ensemble proposes six seasons, with each season running between 1-3 weeks. However, the proposed dates requested appear to impact on the operations of MSTYP. Discussions with representatives from MSTYP have confirmed that this would impact on existing operations at the Theatre, and given the past co-use experiment and the range of issues that arose operationally between the two (2) users it is unlikely that MSTYP would be open to the proposed arrangement.

Further, this then raises the issue as to why Council would not negotiate a similar arrangement with the other groups who have formally registered their interest to utilise the Theatre. Any increased co-use of the Theatre requires delicate negotiations between users, consideration of impacts on nearby residents and building improvements required to address the increased usage.

There is no statutory obligation to call tenders for the lease of community land for a period not exceeding five (5) years. However, given that several groups have formally registered their interest to utilise the Theatre it is considered prudent that Council provide an opportunity for those groups to express an interest for a short term lease, preferably 2-3 years and no longer than five (5) years. This process will enable Council to assess all submissions equitably.

A National Children's Theatre is a long term project that would require Council to undertake various studies and reports to assess building, facility, program and service requirements, along with management/governance structures and financial implications associated with the preceding.

Given that a children's theatre company occupies the premises, Council could offer a short term lease to MSTYP. Whilst in the past they have not contributed financially, they have provided a sense of presence at the Theatre. As previously advised, MSTYP have indicated that they are prepared to commit to a new lease, and the proposal submitted would realise a rental income for Council of which the terms would be subject to further negotiations.

RECOMMENDATION

- A. That Council commence an expression of interest process with those groups who have formally registered their interest to use the Theatre, to enter into a short term lease.
- B If Council resolves to proceed with A above, that \$95,650 is required to be allocated from 2006/2007 budget towards the high priority works identified in the Tyrell's Property Inspection Report.
- C That the expression of interest be undertaken during January-February 2007, with a report brought back to Council detailing the results.

Deborah Silva
Commercial Services
Coordinator

John Clark
Acting Director
Finance & Business

Greg Piconi
Director
Technical Services

Attachments:

- A. Tyrell's Building Maintenance Schedule - 703474**
- B. MSTYP Program 2007/2008 - 703632**
- C. MSTYP Letter dated 8/11/2006 - 692891**
- D. Ensemble Theatre letter dated 13/9/2006 - 672732**
- E. Ensemble proposed schedule 2007 - 703354**
- F. Excerpt Cultural Centre Feasibility Report 2005 - 703385**

Issue	Action Required	Priority	High Priority Costs	Medium Priority Costs	Low Priority Costs	Comments
STRUCTURAL 1. Significant termite and timber pest damage to Level 1 floor frames – see Timber Pests 2. Workshop mezzanine timber frame undersized 3. Unretained soil banks against eastern boundary 4. Rotation of eastern (street) brick wall	Carry out immediate Extent of Damage Assessment including cutting of trapdoors to allow access to all floor frames. Allow replacement of 55m2.	High	\$22,000			Sewer line to be repaired when floor is removed and replaced.
	Stiffen floor frame. Locate signs to limit loading to this floor is no action taken.	Low			\$1,500	Load capacity to be assessed
	Plan retaining walls during landscape of parking area or raise level of pavement to limit height of soil	Low			\$17,000	
	Seek engineering advice and restrain wall to limit further movement	High	\$750			Structural Engineering inspection to be carried out including report on costs and options. (Cost to be advised)
ACCESS 5. Entry ramp twisted. Exit from front doors present persons with disabilities a difficult and dangerous turn at top of stair. 6. Steep internal ramp into theatre Level 2 7. Some doors less than 600mm 8. Restricted access to Level 1 9. Signage and tactile indicators incomplete or missing	Consider redesign of entry to allow safe entry and exit at this potentially crowded area. NB. Congestion at Box Office increases risk of accidents at stair to Level 1.	Medium		\$60,000		Re-design of front entry required to comply with As1428. (Costs to be re-assessed)
	Modify entry.	Medium		\$2,600		
	Install 2 wider openings	Medium		\$1,800		
	Provide access for people with disabilities.	Low			\$95,000	For installation of lift
	Fit tactile indicators and required signage.	Medium		\$14,000		For installation of ramp
COMPLIANCE AND SAFETY 10. Clarify: • if egress through foyer is considered a satisfactory 2 nd egress from theatre • why egress from restaurant toilets has been removed • if fire doors are required to administration office and dressing room doors to corridor east • why L1 and L2 sliding fire doors do not appear connected to alarm system • verify FRLs between each fire compartment which we have assumed are: Theatre/workshop/restaurant; Administration Offices and Plant Rooms and Wardrobes 11. Egress ramp from theatre combustible, affected by decay and handrails not childproof 12. Smoke management system	Agree population of theatre and provide egress width to cater for this volume of occupants.	High				To be further investigated by appropriately qualified Fire Safety Consultant to check on conformance with relevant codes (ie. P.O.P.E. and B.C.A.)
	Obtain certification for all fire doors including sliding doors and panic hardware. Locksmith to service all hardware.	High	\$1,600			Costs relate to cost per door and number of doors to be advised. To be checked with Council's Fire Safety Consultant
	Update Fire Safety Schedule (including agreement with KMC) and display revised Form 15A.	High	\$7,000			If doors can be retained
	Replace with concrete ramp and complying balustrade	High				
	Check if smoke management system installed and obtain	Medium			\$24,600	Fit childproof handrails immediately
		High				Quotation required from Fire Safety Consultant

Issue	Action Required	Priority	High Priority Costs	Medium Priority Costs	Low Priority Costs	Comments
13. Occupant warning systems	certification. If not installed check if required for Request service contractor to certify that detectors are installed in ALL spaces (plant rooms, voids etc) and if not to install additional detectors immediately.	High				Quotation required from Fire Safety Consultant
14. Emergency exit signs and lighting incomplete	Fit where missing especially to Level 1, workshop and basement. Request contractor to certify installation. KMC has done this 11.9.06.	High				
15. Access to Control Room unsatisfactory	Provide safe access	High	\$4,500			Access to be provided by steps and doors
16. Access to theatre lighting, lifting equipment and other production equipment	Clarify with WorkCover that safe access is provided to all equipment used during production and prepare and display Safe Work Practices in all areas.	Medium		\$2,000		Undertake risk assessment
17. Numerous hazards: • at tops of stairs and thresholds	Achieve equal riser heights and remove trip hazards to floors and threshold. Replace workshop stair and balustrades	Medium		\$11,200		
• workshop mezzanine stair width and head height						Place warning signs on workshop stairs immediately
18. Handrails: • missing to numerous stairs	Fit handrails including to wall sides of stage stairs and entry ramp.	High	\$33,000			
• are not childproof	Install childproof balustrades to internal stairs and balconies.					
• missing or inadequate to driveway	Fit to driveway (guardrail).					
19. Toilet stall doors are not openable in emergency	Fit lift off hinges or reverse swing of doors	High	\$1,100			
20. 90° corners to benchtops hazardous	Remove in redesign of counters and benches	Low			\$1,500	
21. Glazing to doors, counter windows not indicated as safety or laminated	Request glazier to test and certify glass after replacing any unsuitable glass.	High	\$1,000			Inspection by safety glass consultant
22. Asbestos products present in fibro and other products.	Obtain Asbestos Survey prior to major works. Assume all fibro products contain asbestos.	High	\$3,800			
DAMPNESS						
23. Rising damp evident to most of Level 1 walls – notably restaurant south west and kitchen storeroom	Assess subsoil drainage and upgrade as required. Fit dampcourse prior to redecoration.	Low			\$16,400	
24. Leaks evident through roofs: • Foyer north east • Box office north west • Entry canopy centre • Under balcony doors	Assess and rectify	High	\$2,700			
MAINTENANCE						
Interior						
25. Interior finishes are outdated.	Repaint all internal surfaces and replace all floor finishes after incorporating maintenance issues in Observations	Low			\$97,000	
26. Balcony doors are sagging and not watertight	Replace in conjunction with upgrade of decks and threshold flashings.	Medium		\$15,500		
27. Bar and kitchen outdated. Excessive space for	Replace after careful consideration of location of bar and	Low				

Issue	Action Required	Priority	High Priority Costs	Medium Priority Costs	Low Priority Costs	Comments
kitchen. Consider commercial opportunity of better located café/bar within facility. 28. Workshop doors deteriorated 29. Hardware aged Exterior 30. Paintwork deteriorated 31. Carpark pavement cracked and missing Roof 32. General maintenance required including: • RoofCheck • replacement of corroded screws and rivets • refit loose FC cladding • clean and restrap sagging gutters • fit leaf arrestors	specific design requirements Replace with durable easily openable doors Service and maintain all window and door hardware including panic bars to exit doors Repaint all exterior surfaces based upon a careful Scope of Works Repair and seal pavement after advice about substrate and drainage. See Observations - Roof Exterior	 High High Low Low High	 \$10,800 \$4,600 \$4,200		 \$36,000 \$5,400	Allow at least \$185,000 including spatial changes, appliances, licence application, changes to toilets
SERVICES 33. All air conditioning and ventilation plant aged 34. Area in front of restaurant north a flood risk 35. Electrical system aged but operating. Lighting obsolete. 36. Security system not inspected	Obtain advice about: • immediate replacement costs • energy efficiency • box office window unit – replace immediately Fit fit and overflow to driveway Upgrade and test after preparation of new electrical plan and specification of modern lighting Consider installing video system to protect any future investment in this facility.	 Medium Low High Low		\$10,000	 \$3,100 \$13,500	Mainly to cooling tower KMC Certified electrical contractor that specialises in places of public entertainment to be engaged to assess stage electrical system.
TIMBER PEST 37. Extensive termite damage to Level 1 floors 38. Fungal decay to external decks Level 2 39. Subfloor ventilation inadequate	Assess further after cutting access to ALL floor frames especially under theatre. Subfloor under stage and kitchen should also be carefully inspected. Replace with treated pine or concrete subject to FRL required and possible design changes to these small decks. Upgrade if timber floor frames are retained and subject to actual site conditions	 Medium Medium High	 \$2,500	 \$27,000		See Item 1
MISCELLANEOUS Entry – undersized into matt well is trip hazard at entry Entry doors difficult to close Box office – no entry door General deterioration of surfaces Untidy wiring under phone head Unrepaired holes in masonry wall north		 Medium Medium High Medium Medium Low	 \$650	 \$2,500 \$300 \$500 \$250	 \$500	

Issue	Action Required	Priority	High Priority Costs	Medium Priority Costs	Low Priority Costs	Comments
Main foyer – impact damage to edge of ceiling west Floor is out of level, ramps to toilets Refit loose lights Impact damage to fibro at joint east Leak evident north east above second balcony door Refit displaced damaged skirtings at balcony doors		Low Medium Medium High Medium Medium	 \$500	 \$2,500 \$300 \$500 \$1,200	\$500	
Bathroom - some unfinished surfaces Benchtops unsealed to splashback/walls Seal hole to vent pipe south east No impervious floor cover Unsealed joints between flooring and wall		Low Low Medium Low Medium		 \$500 \$500	\$1,500 \$500 \$250	
Female disabled toilet - tapware does not comply Repair loose damaged skirting tiles behind pan		Medium Low		\$400	\$500	
Female toilet – ceiling sagging north Rebed fourth (east) loose pan Refit loose channel over access door to disabled stall Refit loose mirror clip north east Top of splashback laminate damaged		Low Medium Medium Low Low		 \$250 \$250	\$1,500 \$150 \$200	
Male disabled toilet – fit light Resecure loose basin Fit complying tap Complete paintwork around cistern		Medium Medium Medium Low		\$100 \$200 \$250	 \$250	
Mail toilet – refit loose northern basin Fix leak under centre basin Service left hand urinal cistern Replace corroded entry door jamb Closer missing to door Fit missing tiles at urinal east		Low Medium Medium Low Low Low		 \$250 \$200	\$250 \$150 \$200 \$250	
Theatre – facing panel to stage bowing/loose Resecure loose stair nosing or replace nosing where lifting Ensure no trip hazards at junction of particle board flooring under seats		Medium High High	 \$250 \$500	\$300		
Theatre control room – check and clip all wiring Check tapped cables and terminate in an approved manner Emergency exit light incomplete at external door		High High High	\$2,500 \$500 \$1,000			
Under stage area – resecure/check power point south Remove stored goods and debris		High Medium	\$250	\$250		
Stage – adequately brace screen south west		Medium		\$1,000		

Issue	Action Required	Priority	High Priority Costs	Medium Priority Costs	Low Priority Costs	Comments
Workshop toilet – hot water tap missing		High	\$200			
Fit missing cover to lamp		Low			\$100	
Service cistern		Low			\$100	
No ceiling lining		Low			\$1,200	
Mirror not fitted		Low			\$200	
Production office - No access to storeroom north east		High	\$1,500			
Fit missing winder handle north east		Medium		\$200		
Service fire door closer		High	\$250			
Stage control – service door closer		Medium		\$200		
Repair loose panel in floor centre		Medium		\$300		
Closer to stage door broken		Low			\$200	
Seal masonry south west to workshop firewall		Medium		\$400		
Repair closer and handle damage to fibro wall north west		Low			\$250	
Eastern stair – base of handrail unbraced		High	\$200			
Dressing room (next to kitchen) – no handrail to stairs		High	\$1,000			
Left hand wall light out of level		Low			\$150	
Water penetration or staining to wall north west		Medium		\$500		
Reseal joint between splashback and benchtop		Low			\$150	
Floor coverings damaged, especially at joints		Low			\$250	
Old leak under basin south west		Low			\$200	
Administration office – floor uneven but serviceable		Low			\$200	
Some covers to lights missing		Low			\$200	
Northern offices – some light fittings missing		Low			\$200	
Service wired phone and data cables		Medium		\$250		
Basement wardrobe – movement cracking evident over window north and diagonal cracking south		Low			\$500	
Wardrobe storeroom – no tray or drain to hot water heater		Medium		\$250		
North eastern plantroom – manifold/connections and bolts corroded		Low			\$200	
TOTALS			\$110,650	\$183,300	\$297,200	

Marian Street Theatre – MSTYP

USE	Date	Times	Area Use	Additional Areas Used
Week 1				
Winnie the Pooh				
Production	2/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Production	3/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Production	4/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Production	5/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Production	6/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Production	7/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Week 2	8/2/2007			
Technical Rehearsal	9/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Dress Rehearsal	10/1/2007		Auditorium	Workshop
Rehearsal	11/1/2007		Auditorium	Workshop
Bump In	tba		Auditorium	Workshop
Preview	12/1/2007	9.30AM-4.00PM	Auditorium	Workshop
Please note that there will be additional evening time essential during production week for each production		Difficult to judge	Auditorium	Workshop
Drama School	N/A			
Week 3				
Winnie the Pooh				
Performance	13/1/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30 -4pm
Performance	15/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	16/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	17/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	18/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	19/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	20/1/2007	11.30AM-3.30PM	Auditorium	Workshop
Drama W/shop	15/1/2007	9.30 – 4pm	Theatrette	
	16/1/2007	9.30 – 4pm	Theatrette	
	17/1/2007	9.30 – 4pm	Theatrette	
	18/1/2007	9.30 – 4pm	Theatrette	
	19/1/2007	9.30 – 4pm	Theatrette	
Week 4				
Winnie the Pooh				
Performance	22/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	23/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	24/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	25/1/2007	9.15AM-3.30PM	Auditorium	Workshop
Performance	27/1/2007	11.30AM -3.30PM	Auditorium	Downstairs 11.30 -4pm

USE	Date	Times	Area Use	Additional Areas Used
Drama W/Shop	22/1/2007	9.30-4pm	Theatrette	
	23/1/2007	9.30-4pm	Theatrette	
	24/1/2007	9.30-4pm	Theatrette	
	25/1/2007	9.30-4pm	Theatrette	
Week 5				
Winnie the Pooh				
Performance	3/2/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30 -4pm
Drama School				
Enrolments	3/2/2007	9.30AM-12.30PM	Foyer	
Week 6				
Winnie the Pooh				
Performance	10/2/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30-4pm
Drama School				
Classes	10/2/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	10/2/2007	3.30PM-5.30PM	Auditorium	Theatrette
Classes	12/2/2007	4.00PM-5.30PM	Auditorium	
Classes	12/2/2007	6.30PM – 8PM	Auditorium	
Classes	13/2/2007	4.00PM-5.30PM	Theatrette	Foyer
Classes	13/2/2007	6.30PM-8.00PM	Auditorium	
Classes	14/2/2007	4.00PM-5.30PM	Theatrette	Foyer
Classes	14/2/2007	7.00PM-9.00PM	Auditorium	
Classes	15/2/2007	4.00PM-5.30PM	Theatrette	
Classes	15/2/2007	7.00PM-9.00PM	Auditorium	
Classes	16/2/2007	4.00PM-5.30PM	Theatrette	
Classes	16/2/2007	6.30PM-8.00PM	Auditorium	
Week 7				
Winnie the Pooh				
Performance	17/2/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30 -4pm
Arabian Tales Rehearsal	18/2/2007	10AM-4PM	Theatrette	
Drama School				
Classes	17/2/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	17/2/2007	3.30PM-5.30PM	Auditorium	
Classes	19/2/2007	4.00PM-5.30PM	Theatrette	
Classes	19/2/2007	4.00PM-5.30PM	Auditorium	
Classes	19/2/2007	6.30PM-8.00PM	Auditorium	
Classes	20/2/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	20/2/2007	7.00PM-9.00PM	Auditorium	
Classes	21/2/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	21/2/2007	7.00PM-9.00PM	Auditorium	

USE	Date	Times	Area Use	Additional Areas Used
Classes	22/2/2007	4.00PM-5.30PM	Theatrette	
Classes	22/2/2007	6.30PM-8.00PM	Auditorium	
Week 8				
‘Winnie the Pooh				
Performance	24/2/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30 -4pm
Arabian Tales Rehearsal	25/2/2007	10AM-4PM	Theatrette	
Drama School				
Classes	24/2/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	24/2/2007	3.30PM-5.30PM	Auditorium	
Classes	26/2/2007	4.00PM-5.30PM	Theatrette	
Classes	26/2/2007	4.00PM-5.30PM	Auditorium	
Classes	26/2/2007	6.30PM-8.00PM	Auditorium	
Classes	27/2/2007	4.00PM-5.30PM	Theatrette	Foyer
Classes	27/2/2007	7.00PM-9.00PM	Auditorium	
Classes	28/2/2007	4.00PM-5.30PM	Theatrette	Foyer
Classes	28/2/2007	7.00PM-9.00PM	Auditorium	
Classes	1/3/2007	4.00PM-5.30PM	Theatrette	
Classes	1/3/2007	6.30PM-8.00PM	Auditorium	
Pants on Fire				
Rehearsal Wk 1	26/2/2007 27/2/2007 28/2/2007 1/3/2007 2/3/2007	10am – 4pm 10am – 4pm 10am – 4pm 10am – 4pm 10am – 4pm	Auditorium Auditorium Auditorium Auditorium Auditorium	
Week 9				
‘Winnie the Pooh				
Performance	3/3/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30 -4pm
Arabian Tales Rehearsal	4/3/2007	10AM-4PM	Theatrette	
Drama School				
Classes	3/3/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	3/3/2007	3.30PM-5.30PM	Auditorium	
Classes	5/3/2007	4.00PM-5.30PM	Theatrette	
Classes	5/3/2007	4.00PM-5.30PM	Auditorium	
Classes	5/3/2007	6.30PM-8.00PM	Auditorium	
Classes	6/3/2007	4.00PM-5.30PM	Theatrette	Foyer
Classes	6/3/2007	7.00PM-9.00PM	Auditorium	
Classes	7/3/2007	4.00PM-5.30PM	Theatrette	foyer

USE	Date	Times	Area Use	Additional Areas Used
Classes	7/3/2007	7.00PM-9.00PM	Auditorium	
Classes	8/3/2007	4.00PM-5.30PM	Theatrette	
Classes	8/3/2007	6.30PM-8.00PM	Auditorium	
Pants on Fire Rehearsal Wk 2	5/3/2007 6/3/2007 7/3/2007 8/3/2007 9/3/2007	10AM -4PM 10AM -4PM 10AM -4PM 10AM -4PM 10AM -4PM	Auditorium Auditorium Auditorium Auditorium Auditorium	
Week 10				
‘Winnie the Pooh				
Performance	10/3/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30 -4pm
Arabian Tales Rehearsal	11/3/2007	10AM-4PM	Theatrette	
Pants on Fire Rehearsal Wk 3	12/3/2007 13/3/2007 14/3/2007 15/3/2007 16/3/2007	10AM -4PM 10AM -4PM 10AM -4PM 10AM -4PM 10AM -4PM	Auditorium Auditorium Auditorium Auditorium Auditorium	Workshop – Day or evening tba
Arabian Tales Rehearsal	18/3/2007	10AM-4PM	Theatrette	
Drama School				
Classes	10/3/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	10/3/2007	3.30PM-5.30PM	Auditorium	
Classes	12/3/2007	4.00PM-5.30PM	Theatrette	
Classes	12/3/2007	4.00PM-5.30PM	Auditorium	
Classes	12/3/2007	6.30PM-8.00PM	Auditorium	
Classes	13/3/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	13/3/2007	7.00PM-9.00PM	Auditorium	
Classes	14/3/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	14/3/2007	7.00PM-9.00PM	Auditorium	
Classes	15/3/2007	4.00PM-5.30PM	Theatrette	
Classes	15/3/2007	6.30PM-8.00PM	Auditorium	
Week 11				
‘Winnie the Pooh				
Performance	17/3/2007	11.30AM-3.30PM	Auditorium	Downstairs 11.30 -4pm
Pants on Fire Bump-in	18/3/2007	10AM – 4PM	Auditorium	Workshop
Drama School				
Classes	17/3/2007	9.30AM-11.00AM	Theatrette	foyer

USE	Date	Times	Area Use	Additional Areas Used
Classes	17/3/2007	3.30PM-5.30PM	Auditorium	
Classes	19/3/2007	4.00PM-5.30PM	Theatrette	
Classes	19/3/2007	4.00PM-5.30PM	Auditorium	
Classes	19/3/2007	7.00PM-9.00PM	Auditorium	
Classes	20/3/2007	4.00PM-5.30PM	Theatrette	
Classes	20/3/2007	7.00PM-9.00PM	Auditorium	
Classes	21/3/2007	4.00PM-5.30PM	Theatrette	
Classes	21/3/2007	7.00PM -9PM	Auditorium	
Classes	22/3/2007	4.00PM-5.30PM	Theatrette	
Classes	22/3/2007	7.00PM-9.00PM	Theatrette	
Pants on Fire Performance	19/3/2007 20/3/2007 21/3/2007 22/3/2007 23/3/2007	9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM	Auditorium Auditorium Auditorium Auditorium Auditorium	
Week 12				
Winnie the Pooh				
Performance	24/3/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30 -4pm
Aladdin's Tales Rehearsal	25/3/2007	10am -4pm	Theatrette	
Pants on Fire Performance	26/3/2007 27/3/2007 28/3/2007 29/3/2007 30/3/2007	9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM	Auditorium Auditorium Auditorium Auditorium Auditorium	
Drama School				
Classes	24/3/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	24/3/2007	3.30PM-5.30PM	Auditorium	
Classes	26/3/2007	4.00PM-5.30PM	Theatrette	
Classes	26/3/2007	4.00PM-5.30PM	auditorium	
Classes	26/3/2007	6.30PM-8.00PM	Auditorium	
Classes	27/3/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	27/3/2007	7.00PM-9.00PM	Auditorium	
Classes	28/3/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	28/3/2007	7.00PM-9.00PM	Auditorium	
Classes	29/3/2007	4.00PM-5.30PM	Theatrette	
Classes	29/3/2007	6.30PM-8.00PM	Auditorium	
Week 13				
'Winnie the Pooh				
Performance	31/3/2007	11.30AM-3.30PM	Auditorium	&Downstairs 11.30 -4pm

USE	Date	Times	Area Use	Additional Areas Used
Bump Out	1/4/2007	10am- 4pm	auditorium	workshop
Aladdin's Tales Rehearsal	1/4/2007	10am -4pm	Theatrette	
Drama School				
Classes	31/3/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	31/3/2007	3.30PM-5.30PM	Auditorium	
Classes	2/4/2007	4.00PM-5.30PM	Theatrette	
Classes	2/4/2007	4.00PM-5.30PM	auditorium	
Classes	2/4/2007	6.30PM-8.00PM	Auditorium	
Classes	3/4/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	3/4/2007	7.00PM-9.00PM	Auditorium	
Classes	4/4/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	4/4/2007	7.00PM-9.00PM	Auditorium	
Classes	5/4/2007	4.00PM-5.30PM	Theatrette	
Classes	5/4/2007	6.30PM-8.00PM	Auditorium	
Week 15 Aladdin's Tales Rehearsal	10/4/2007 11/4/2007 12/4/2007 13/4/2007 14/4/2007	10am-4pm 10am-4pm 10am-4pm 10am-4pm 10am-4pm	Theatrette Theatrette Theatrette Theatrette Theatrette	
Pants on Fire Performance	10/4/2007 11/4/2007 12/4/2007 13/4/2007 14/4/2007	9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 11.30AM-3PM	Auditorium Auditorium Auditorium Auditorium Auditorium	
Week 16 Pants on Fire Performance	16/4/2007 17/4/2007 18/4/2007 19/4/2007 20/4/2007 21/4/2007	9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM 9.30AM-3PM. 11.30AM-3PM	Auditorium Auditorium Auditorium Auditorium Auditorium Auditorium	Downstairs 11.30 -4pm
Bump-out	22/4/2007	10am-4pm	Auditorium	Workshop
Aladdin's Tales Rehearsal	16/4/2007 17/4/2007 18/4/2007 19/4/2007 20/4/2007 21/4/2007	10am-4pm 10am-4pm 10am-4pm 10am-4pm 10am-4pm 10am-4pm	Theatrette Theatrette Theatrette Theatrette Theatrette Theatrette	Workshop this week
Week 17				
Aladdin's Tales				

USE	Date	Times	Area Use	Additional Areas Used
Bump-in, rigging	23/4/2007	10am-6pm	Auditorium	
	24/4/2007	10am-6pm	Auditorium	
	25/4/2007	10am-6pm	Auditorium	
	26/4/2007	10am-6pm	Auditorium	
	27/4/2007	10am-6pm	Auditorium	
Rehearsal	28/4/2007	10am-4pm	Auditorium	
Rehearsal	29/4/2007	10am-4pm	Auditorium	
Week 18				
Aladdin's Tales				
Rehearsal	5/5/2007	10am-4pm	Auditorium	
Rehearsal	6/5/2007	10am-4pm	Auditorium	
Drama School				
Classes	5/5/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	5/5/2007	3.30PM-5.30PM	Auditorium	
Classes	7/5/2007	4.00PM-5.30PM	Theatrette	
Classes	7/5/2007	4.00PM-5.30PM	auditorium	
Classes	7/5/2007	6.30PM-8.00PM	Auditorium	
Classes	8/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	8/5/2007	7.00PM-9.00PM	Auditorium	
Classes	9/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	9/5/2007	7.00PM-9.00PM	Auditorium	
Classes	10/5/2007	4.00PM-5.30PM	Theatrette	
Classes	10/5/2007	6.30PM-8.00PM	Auditorium	
Week 19				
Aladdin's Tales				
Performance	12/5/2007	9.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Drama School				
Classes	12/5/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	12/5/2007	3.30PM-5.30PM	Auditorium	
Classes	14/5/2007	4.00PM-5.30PM	Theatrette	
Classes	14/5/2007	4.00PM-5.30PM	auditorium	
Classes	14/5/2007	6.30PM-8.00PM	Auditorium	
Classes	15/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	15/5/2007	7.00PM-9.00PM	Auditorium	
Classes	16/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	16/5/2007	7.00PM-9.00PM	Auditorium	
Classes	17/5/2007	4.00PM-5.30PM	Theatrette	
Classes	17/5/2007	6.30PM-8.00PM	Auditorium	
Week 20				
Aladdin's Tales				
Performance	19/5/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm

USE	Date	Times	Area Use	Additional Areas Used
Drama Workshop	20/5/2007	9.30AM-4PM	Theatrette	
Drama School				
Classes	19/5/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	19/5/2007	3.30PM-5.30PM	Auditorium	
Classes	21/5/2007	4.00PM-5.30PM	Theatrette	
Classes	21/5/2007	4.00PM-5.30PM	auditorium	
Classes	21/5/2007	6.30PM-8.00PM	Auditorium	
Classes	22/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	22/5/2007	7.00PM-9.00PM	Auditorium	
Classes	23/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	23/5/2007	7.00PM-9.00PM	Auditorium	
Classes	24/5/2007	4.00PM-5.30PM	Theatrette	
Classes	24/5/2007	6.30PM-8.00PM	Auditorium	
Week 21				
Aladdin's Tales				
Performance	26/5/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Drama Workshop	27/5/2007	9.30AM-4PM	Theatrette	
Drama School				
Classes	26/5/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	26/5/2007	3.30PM-5.30PM	Auditorium	
Classes	28/5/2007	4.00PM-5.30PM	Theatrette	
Classes	28/5/2007	4.00PM-5.30PM	auditorium	
Classes	28/5/2007	6.30PM-8.00PM	Auditorium	
Classes	29/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	29/5/2007	7.00PM-9.00PM	Auditorium	
Classes	30/5/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	30/5/2007	7.00PM-9.00PM	Auditorium	
Classes	31/5/2007	4.00PM-5.30PM	Theatrette	
Classes	31/5/2007	6.30PM-8.00PM	Auditorium	
Week 22				
Aladdin's Tales				
Performance	2/6/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Drama School				
Classes	2/6/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	2/6/2007	3.30PM-5.30PM	Auditorium	
Classes	4/6/2007	4.00PM-5.30PM	Theatrette	
Classes	4/6/2007	4.00PM-5.30PM	auditorium	
Classes	4/6/2007	6.30PM-8.00PM	Auditorium	
Classes	5/6/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	5/6/2007	7.00PM-9.00PM	Auditorium	
Classes	6/6/2007	4.00PM-5.30PM	Theatrette	foyer

USE	Date	Times	Area Use	Additional Areas Used
Classes	6/6/2007	7.00PM-9.00PM	Auditorium	
Classes	7/6/2007	4.00PM-5.30PM	Theatrette	
Classes	7/6/2007	6.30PM-8.00PM	Auditorium	
Week 23				
Aladdin's Tales				
Performance	9/6/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Drama School				
Classes	12/6/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	12/6/2007	7.00PM-9.00PM	Auditorium	
Classes	13/6/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	13/6/2007	7.00PM-9.00PM	Auditorium	
Classes	14/6/2007	4.00PM-5.30PM	Theatrette	
Classes	14/6/2007	6.30PM-8.00PM	Auditorium	
Week 24				
Aladdin's Tales				
Performance	16/6/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Auditions	17/6/2006	10AM – 4PM	Auditorium	Theatrette
Drama School				
Classes	16/6/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	16/6/2007	3.30PM-5.30PM	Auditorium	
Classes	18/6/2007	4.00PM-5.30PM	Theatrette	
Classes	18/6/2007	4.00PM-5.30PM	auditorium	
Classes	18/6/2007	6.30PM-8.00PM	Auditorium	
Classes	19/6/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	19/6/2007	7.00PM-9.00PM	Auditorium	
Classes	20/6/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	20/6/2007	7.00PM-9.00PM	Auditorium	
Classes	21/6/2007	4.00PM-5.30PM	Theatrette	
Classes	21/6/2007	6.30PM-8.00PM	Auditorium	
Week 25				
Aladdin's Tales				
Performance	23/6/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Drama School				
Classes	23/6/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	23/6/2007	3.30PM-5.30PM	Auditorium	
Classes	25/6/2007	4.00PM-5.30PM	Theatrette	
Classes	25/6/2007	4.00PM-5.30PM	auditorium	
Classes	25/6/2007	6.30PM-8.00PM	Auditorium	
Week 26				
Aladdin's Tales				
Performance	30/6/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm

USE	Date	Times	Area Use	Additional Areas Used
Aladdin's Tales				
Performance	2/7/2007	9.15AM-3.30PM	Auditorium	
Performance	3/7/2007	9.15AM-3.30PM	Auditorium	
Performance	4/7/2007	9.15AM-3.30PM	Auditorium	
Performance	5/7/2007	9.15AM-3.30PM	Auditorium	
Performance	6/7/2007	9.15AM-3.30PM	Auditorium	
Week 27				
Aladdin's Tales				
Performance	7/7/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Aladdin's Tales				
Performance	9/7/2007	9.15AM-3.30PM	Auditorium	
Performance	10/7/2007	9.15AM-3.30PM	Auditorium	
Performance	11/7/2007	9.15AM-3.30PM	Auditorium	
Performance	12/7/2007	9.15AM-3.30PM	Auditorium	
Performance	13/7/2007	9.15AM-3.30PM	Auditorium	
Drama W/shop	9/7/2007	9.30 – 4pm	Theatrette	
	10/7/2007	9.30 – 4pm	Theatrette	
	12/7/2007	9.30 – 4pm	Theatrette	
	13/7/2007	9.30 – 4pm	Theatrette	
	14/7/2007	9.30 – 4pm	Theatrette	
Week 28				
Aladdin's Tales				
Performance	14/7/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30am-4pm
Bump Out	14/7/2007	10AM – 4PM	Auditorium	
Week 29				
Production 4				
Rehearsal	21/7/2007	10.00AM-4.00PM	Auditorium	
	22/7/2007	10.00AM-4.00PM	Auditorium	
Drama School				
Enrolments	21/7/2007	9.30AM-12.30PM	Foyer	
Week 30				
Production 4				
Rehearsal	27/7/2007	4.00PM-7.00PM.	Auditorium	
	28/7/2007	10.00AM-4.00PM	Auditorium	
	29/7/2007	10.00AM-4.00PM	Auditorium	
Week 31				
Production 4				
Rehearsal	3/8/2007	4.00PM-7.00PM	Auditorium	
	4/8/2007	10.00AM-4.00PM	Auditorium	
	5/8/2007	10.00AM-4.00PM	Auditorium	
Drama School				
Classes	6/8/2007	4.00PM-5.30PM	Theatrette	

USE	Date	Times	Area Use	Additional Areas Used
Classes	6/8/2007	4.00PM-5.30PM	auditorium	
Classes	6/8/2007	6.30PM-8.00PM	Auditorium	
Classes	7/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	7/8/2007	7.00PM-9.00PM	Auditorium	
Classes	8/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	8/8/2007	7.00PM-9.00PM	Auditorium	
Classes	9/8/2007	4.00PM-5.30PM	Theatrette	
Classes	9/8/2007	6.30PM-8.00PM	Auditorium	
Week 33				
Production 4				
Rehearsal	10/8/2007	4.00PM-7.00PM	Auditorium	
Rehearsal	11/8/2007	10.00AM-4.00PM	Auditorium	
Rehearsal	12/8/2007	10.00AM-4.00PM	Auditorium	
Bump-in				
Bump-in	13/8/2007	10.00AM-4.00PM	Auditorium	
Bump-in	14/8/2007	10.00AM-4.00PM	Auditorium	
Bump-in	15/8/2007	10.00AM-4.00PM	Auditorium	
Bump-in	16/8/2007	10.00AM-4.00PM	Auditorium	
Bump-in	17/8/2007	10.00AM-4.00PM	Auditorium	
Drama School				
Classes	11/8/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	11/8/2007	3.30PM-5.30PM	Auditorium	
Classes	13/8/2007	4.00PM-5.30PM	Theatrette	
Classes	13/8/2007	4.00PM-5.30PM	auditorium	
Classes	13/8/2007	6.30PM-8.00PM	Auditorium	
Classes	14/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	14/8/2007	7.00PM-9.00PM	Auditorium	
Classes	15/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	15/8/2007	7.00PM-9.00PM	Auditorium	
Classes	16/8/2007	4.00PM-5.30PM	Theatrette	
Classes	16/8/2007	6.30PM-8.00PM	Auditorium	
Week 34				
Production 4				
Rehearsal	17/8/2007	4.00PM-7.00PM	Auditorium	
	18/8/2007	10.00AM-4.00PM	Auditorium	
	19/8/2007	10.00AM-4.00PM	Auditorium	
Drama School				
Classes	18/8/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	18/8/2007	3.30PM-5.30PM	Auditorium	
Classes	20/8/2007	4.00PM-5.30PM	Theatrette	
Classes	20/8/2007	4.00PM-5.30PM	auditorium	
Classes	20/8/2007	6.30PM-8.00PM	Auditorium	
Classes	21/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	21/8/2007	7.00PM-9.00PM	Auditorium	
Classes	22/8/2007	4.00PM-5.30PM	Theatrette	foyer

USE	Date	Times	Area Use	Additional Areas Used
Classes	22/8/2007	7.00PM-9.00PM	Auditorium	
Classes	23/8/2007	4.00PM-5.30PM	Theatrette	
Classes	23/8/2007	6.30PM-8.00PM	Auditorium	
Week 35				
Production 4				
Rehearsal	24/8/2007 25/8/2007 26/8/2007	4.00PM-7.00PM 10.00AM-4.00PM 10.00AM-4.00PM	Auditorium Auditorium Auditorium	
Drama School				
Classes	25/8/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	25/8/2007	3.30PM-5.30PM	Auditorium	
Classes	27/8/2007	4.00PM-5.30PM	Theatrette	
Classes	27/8/2007	4.00PM-5.30PM	auditorium	
Classes	27/8/2007	6.30PM-8.00PM	Auditorium	
Classes	28/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	28/8/2007	7.00PM-9.00PM	Auditorium	
Classes	29/8/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	29/8/2007	7.00PM-9.00PM	Auditorium	
Classes	30/8/2007	4.00PM-5.30PM	Theatrette	
Classes	30/8/2007	6.30PM-8.00PM	Auditorium	
Week 36				
Production 4				
Rehearsal	31/8/2007 1/9/2007 2/9/2007	4.00PM-7.00PM 10.00AM-4.00PM 10.00AM-4.00PM	Auditorium Auditorium Auditorium	
Drama School				
Classes	1/9/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	1/9/2007	3.30PM-5.30PM	Auditorium	
Classes	3/9/2007	4.00PM-5.30PM	Theatrette	
Classes	3/9/2007	4.00PM-5.30PM	auditorium	
Classes	3/9/2007	6.30PM-8.00PM	Auditorium	
Classes	4/9/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	4/9/2007	7.00PM-9.00PM	Auditorium	
Classes	5/9/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	5/9/2007	7.00PM-9.00PM	Auditorium	
Classes	6/9/2007	4.00PM-5.30PM	Theatrette	
Classes	6/9/2007	6.30PM-8.00PM	Auditorium	
Week 37				
Production 4				
Rehearsal	7/9/2007 8/9/2007 9/9/2007	4.00AM-7.00PM 10.00AM-4.00PM 10.00AM-4.00PM	Auditorium Auditorium Auditorium	
Drama School				
Classes	8/9/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	8/9/2007	3.30PM-5.30PM	Auditorium	

USE	Date	Times	Area Use	Additional Areas Used
Classes	10/9/2007	4.00PM-5.30PM	Theatrette	
Classes	10/9/2007	4.00PM-5.30PM	auditorium	
Classes	10/9/2007	6.30PM-8.00PM	Auditorium	
Classes	11/9/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	11/9/2007	7.00PM-9.00PM	Auditorium	
Classes	12/9/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	12/9/2007	7.00PM-9.00PM	Auditorium	
Classes	13/9/2007	4.00PM-5.30PM	Theatrette	
Classes	13/9/2007	6.30PM-8.00PM	Auditorium	
Sponsorship Commitment	10/9/2007 11/9/2007 12/9/2007 13/9/2007 14/9/2007	5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM	Theatrette Theatrette Theatrette Theatrette Theatrette	
Week 38 Production 4				
Rehearsal	14/9/2007	4.00PM-7.00PM	Auditorium	Theatrette 11.30-4PM
Performance	15/9/2007	9.30PM-3.30PM	Auditorium	
Drama Workshop	16/9/2007	9.30AM-4PM	Theatrette	
Drama School				
Classes	15/9/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	15/9/2007	3.30PM-5.30PM	Auditorium	
Classes	17/9/2007	4.00PM-5.30PM	Theatrette	
Classes	17/9/2007	4.00PM-5.30PM	auditorium	
Classes	17/9/2007	6.30PM-8.00PM	Auditorium	
Classes	18/9/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	18/9/2007	7.00PM-9.00PM	Auditorium	
Classes	19/9/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	19/9/2007	7.00PM-9.00PM	Auditorium	
Classes	20/9/2007	4.00PM-5.30PM	Theatrette	
Classes	20/9/2007	6.30PM-8.00PM	Auditorium	
Sponsorship Commitment	17/9/2007 18/9/2007 19/9/2007 20/9/2007 21/9/2007	5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM	Theatrette Theatrette Theatrette Theatrette Theatrette	

USE	Date	Times	Area Use	Additional Areas Used
Week 39 Production 4				
Performance	22/9/2007	11.00AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Drama School Classes	22/9/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	22/9/2007	3.30PM-5.30PM	Auditorium	
Sponsorship Commitment	24/9/2007 25/9/2007 26/9/2007 27/9/2007 28/9/2007	5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM 5.00PM-8.00PM	Theatrette Theatrette Theatrette Theatrette Theatrette	
Week 40 Production 4				
Performance	29/9/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Production 4				
Performance	1/10/2007	9.15AM-3.30PM	Auditorium	
Performance	2/10/2007	9.15AM-3.30PM	Auditorium	
Performance	3/10/2007	9.15AM-3.30PM	Auditorium	
Performance	4/10/2007	9.15AM-3.30PM	Auditorium	
Performance	5/10/2007	9.15AM-3.30PM	Auditorium	
Week 41 Production 4				
Performance	6/10/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Production 4				
Performance	8/10/2007	9.15AM-3.30PM	Auditorium	
Performance	9/10/2007	9.15AM-3.30PM	Auditorium	
Performance	10/10/2007	9.15AM-3.30PM	Auditorium	
Performance	11/10/2007	9.15AM-3.30PM	Auditorium	
Performance	12/10/2007	9.15AM-3.30PM	Auditorium	
Drama W/shop	8/10/2007	9.30 – 4pm	Theatrette	
	9/10/2007	9.30 – 4pm	Theatrette	
	10/10/2007	9.30 – 4pm	Theatrette	
	11/10/2007	9.30 – 4pm	Theatrette	
	12/10/2007	9.30 – 4pm	Theatrette	

USE	Date	Times	Area Use	Additional Areas Used
Week 42				
Production 4				
Performance	13/10/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM

Drama School				
Classes	20/10/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	20/10/2007	3.30PM-5.30PM	Auditorium	
Classes	15/10/2007	4.00PM-5.30PM	Theatrette	
Classes	15/10/2007	4.00PM-5.30PM	auditorium	
Classes	15/10/2007	6.30PM-8.00PM	Auditorium	
Classes	16/10/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	16/10/2007	7.00PM-9.00PM	Auditorium	
Classes	17/10/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	17/10/2007	7.00PM-9.00PM	Auditorium	
Classes	18/10/2007	4.00PM-5.30PM	Theatrette	
Classes	18/10/2007	6.30PM-8.00PM	Auditorium	
Week 43				
Production 4				
Performance	20/10/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Auditions	21/10/2007	10AM-4.00PM	Auditorium	Theatrette
Drama School				
Classes	20/10/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	20/10/2007	3.30PM-5.30PM	Auditorium	
Classes	22/10/2007	4.00PM-5.30PM	Theatrette	
Classes	22/10/2007	4.00PM-5.30PM	auditorium	
Classes	22/10/2007	6.30PM-8.00PM	Auditorium	
Classes	23/10/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	23/10/2007	7.00PM-9.00PM	Auditorium	
Classes	24/10/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	24/10/2007	7.00PM-9.00PM	Auditorium	
Classes	25/10/2007	4.00PM-5.30PM	Theatrette	
Classes	25/10/2007	6.30PM-8.00PM	Auditorium	
Week 44				
Production 4				
Performance	27/10/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Production 1 2008				
Rehearsal	28/10/2007	10.00-4.00	Theatrette	
Drama School				
Classes	27/10/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	27/10/2007	3.30PM-5.30PM	Auditorium	
Classes	29/10/2007	4.00PM-5.30PM	Theatrette	
Classes	29/10/2007	4.00PM-5.30PM	auditorium	
Classes	29/10/2007	6.30PM-8.00PM	Auditorium	

Classes	30/10/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	30/10/2007	7.00PM-9.00PM	Auditorium	
Classes	31/10/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	31/10/2007	7.00PM-9.00PM	Auditorium	
Classes	1/11/2007	4.00PM-5.30PM	Theatrette	
Classes	1/11/2007	6.30PM-8.00PM	Auditorium	
Week 45				
Production 4				
Performance	3/11/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Production 1 2008 Rehearsal	4/11/2007	10.00AM-4.00PM	Theatrette	
Drama School				
Classes	3/11/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	3/11/2007	3.30PM-5.30PM	Auditorium	
Classes	5/11/2007	4.00PM-5.30PM	Theatrette	
Classes	5/11/2007	4.00PM-5.30PM	auditorium	
Classes	5/11/2007	6.30PM-8.00PM	Auditorium	
Classes	6/11/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	6/11/2007	7.00PM-9.00PM	Auditorium	
Classes	7/11/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	7/10/2007	7.00PM-9.00PM	Auditorium	
Classes	8/11/2007	4.00PM-5.30PM	Theatrette	
Classes	8/11/2007	6.30PM-8.00PM	Auditorium	
Week 46				
Production 4				
Performance	10/11/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Production 1 2008 Rehearsal Rehearsal	9/11/2007 11/11/2007	4.00PM-7.00PM 10.00AM-4.00PM	Theatrette Theatrette	
Drama School				
Classes	10/11/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	10/11/2007	3.30PM-5.30PM	Auditorium	
Classes	12/11/2007	4.00PM-5.30PM	Theatrette	
Classes	12/11/2007	4.00PM-5.30PM	auditorium	
Classes	12/11/2007	6.30PM-8.00PM	Auditorium	
Classes	13/11/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	13/11/2007	7.00PM-9.00PM	Auditorium	
Classes	14/11/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	14/10/2007	7.00PM-9.00PM	Auditorium	
Classes	15/11/2007	4.00PM-5.30PM	Theatrette	
Classes	15/11/2007	6.30PM-8.00PM	Auditorium	
Week 47				

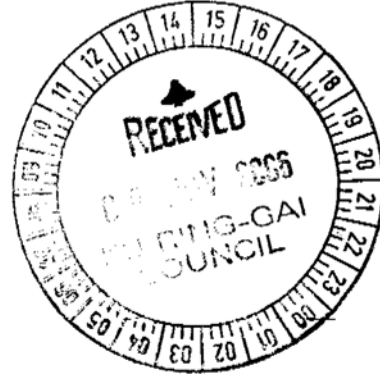
Production 4				
Performance	17/11/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Production 1 2008				
Rehearsal	16/11/2007	4.00PM-7.00PM	Theatrette	
Rehearsal	18/11/2007	10.00AM-4.00PM	Theatrette	
Drama School				
Classes	17/11/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	17/11/2007	3.30PM-5.30PM	Auditorium	
Classes	19/11/2007	4.00PM-5.30PM	Theatrette	
Classes	19/11/2007	4.00PM-5.30PM	auditorium	
Classes	19/11/2007	6.30PM-8.00PM	Auditorium	
Classes	20/11/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	20/11/2007	7.00PM-9.00PM	Auditorium	
Classes	21/11/2007	4.00PM-5.30PM	Theatrette	foyer
Classes	21/11/2007	7.00PM-9.00PM	Auditorium	
Classes	22/11/2007	4.00PM-5.30PM	Theatrette	
Classes	22/11/2007	6.30PM-8.00PM	Auditorium	
Week 48				
Production 4				
Performance	24/11/2007	11.30AM-3.30PM	Auditorium	Theatrette 11.30-4PM
Bump-out	25/11/2007	10.00AM-4.00PM	Auditorium	Workshop
Production 1 2008				
Rehearsal	23/11/2007	4.00PM-7.00PM	Theatrette	
Rehearsal	25/11/2007	10.00AM-4.00PM	Theatrette	
Drama School				
Classes	24/11/2007	9.30AM-11.00AM	Theatrette	Foyer
Classes	24/11/2007	3.30PM-5.30PM	Auditorium	
Classes	26/11/2007	4.00PM-5.30PM	Theatrette	
Classes	26/11/2007	4.00PM-5.30PM	auditorium	
Classes	26/11/2007	6.30PM-8.00PM	Auditorium	
Classes	27/11/2007	4.00PM-5.30PM	Auditorium	foyer
Classes	27/11/2007	7.00PM-9.00PM	Auditorium	
Classes	28/11/2007	4.00PM-5.30PM	Auditorium	foyer
Classes	28/11/2007	7.00PM-9.00PM	Auditorium	
Classes	29/11/2007	4.00PM-5.30PM	Auditorium	
Classes	29/11/2007	6.30PM-8.00PM	Auditorium	
Week 49				
Production 1 2008				
Rehearsal	30/11/2007	4.00PM-7.00PM	Auditorium	
Rehearsal	1/12/2007	10.00AM-4.00PM	Theatrette	
Rehearsal	2/12/2007	10.00AM-4.00PM	Auditorium	
Drama School				
Classes	30/11/2007	9.30AM-11.00AM	Auditorium	Foyer

Classes	30/11/2007	3.30PM-5.30PM	Auditorium	
Classes	3/12/2007	4.00PM-5.30PM	Auditorium	
Classes	3/12/2007	4.00PM-5.30PM	auditorium	
Classes	3/12/2007	6.30PM-8.00PM	Auditorium	
Classes	4/12/2007	4.00PM-5.30PM	Auditorium	foyer
Classes	4/12/2007	7.00PM-9.00PM	Auditorium	
Classes	5/12/2007	4.00PM-5.30PM	Auditorium	foyer
Classes	5/12/2007	7.00PM-9.00PM	Auditorium	
Classes	6/12/2007	4.00PM-5.30PM	Auditorium	
Classes	6/12/2007	6.30PM-8.00PM	Auditorium	
Week 50				
Production 1 2008				
Rehearsal	7/12/2007	4.00PM-7.00PM	Auditorium	
Rehearsal	8/12/2007	10.00AM-4.00PM	Theatrette	
Rehearsal	9/12/2007	10.00AM-4.00PM	Auditorium	
Drama School				
Classes	8/12/2007	9.30AM-11.00AM	Auditorium	Foyer
Classes	8/12/2007	3.30PM-5.30PM	Auditorium	
Week 51				
Production 1 2008				
Bump-in(possible)	10/12/2007	10.00AM-4PM	Auditorium	
Bump-in	11/12/2007	10.00AM-4PM	Auditorium	
Bump-in	13/12/2007	10.00AM-4PM	Auditorium	
Bump-in	14/12/2007	10.00AM-4PM	Auditorium	
Bump-in	15/12/2007	10.00AM-4PM	Auditorium	
(or the following week)				
Production 1 2008				
Rehearsal	14/12/2007	4.00PM-7.00PM	Auditorium	
Rehearsal	15/12/2007	10.00AM-4.00PM	Auditorium	
Rehearsal	16/12/2007	10.00AM-4.00PM	Auditorium	
Week 52				
Production 1 2008				
Rehearsal	21/12/2007	4.00PM-7.00PM	Auditorium	
Rehearsal	22/12/2007	10.00AM-4.00PM	Auditorium	
Rehearsal	23/12/2007	10.00AM-4.00PM	Auditorium	

Please note that dates for bump-ins and rigging of lights could change.
They are very much dependant on the availability of the designers.
I have made no provision for a Special Project at this point.

8 November 2006

Ms Debra Silva
Commercial Services Coordinator
Ku-ring-gai Municipal Council
Council Chambers
818 Pacific Highway
Gordon, NSW, 2072.



Dear Ms Silva,

Re: Marian Street Theatre for Young People ("MSTYP") Site – Killara

We refer to the ongoing discussion with Council regarding the MSTYP and its occupation of the Killara site.

As you are aware, the committee governing MSTYP is in the process of preparing a business plan, a copy of which it has committed to provide to Council by November 2006. As part of this process, a number of governance issues have arisen which the committee is addressing.

One of these issues is the status of the Killara theatre's compliance with Council guidelines and government regulations for such facilities. Given the frequent visits and inspections by Council officers, often in the company of the MSTYP Artistic Director, and given that the MYSTP has not been advised to the contrary by Council, it is the understanding of the MYSTP Committee that the Killara theatre does comply with all relevant government regulations and Council guidelines, including those relating to building, fire and occupational, health and safety.

It will be appreciated that the continued occupation and use of the Theatre by MSTYP can only be on the basis that the building is compliant with the regulations. No business plan can be prepared or considered under any other basis. The MSTYP Committee therefore urgently requests confirmation in writing that the building is compliant. When that confirmation is received, a business plan will be submitted without delay.

Once again, we wish to thank Council for its continued support and commitment to MYSTP.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Margie McCrae'.

Ms Margie McCrae
Artistic Director &
Committee Member

Ms Wendy Blaxland
Committee President

For and on behalf of the Committee of The Marian Street Theatre for Young People

13 September 2006

Mr John McKee
General Manager
Ku-ring-gai Council
Locked bag 1056
Pymble NSW 2073



Dear Mr John McKee,

Following is a proposal from Ensemble Theatre to Ku-ring-gai Council for the presentation of Ensemble productions at Marian Street Theatre.

Ensemble Theatre has outgrown its space and is in need of a regular venue to present its shows following the Ensemble Theatre season. Our limited seating capacity coupled with limited on-street parking has resulted in our need to use other venues for extensions to Ensemble productions.

Discussions with our patrons living in the Ku-ring-gai Council area have confirmed that many of our patrons, especially the older patrons, are very enthusiastic about the prospect of a more accessible theatre available closer to home.

The following document outlines the details of the proposal including dates, staffing queries and patron interest.

Included are some 2007 subscription brochures and flyers to be distributed to any appropriate personnel.

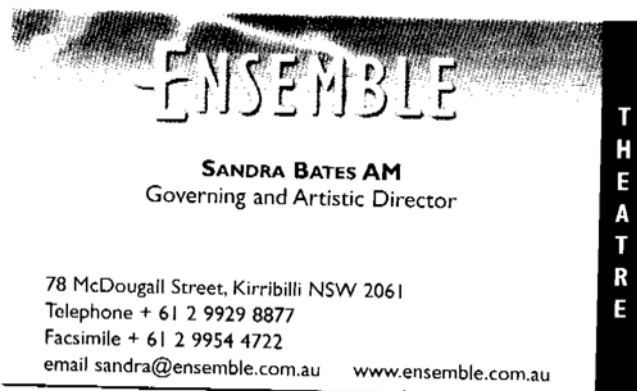
We look forward to hearing your comments.

Kind Regards,

A handwritten signature in cursive script, appearing to read 'Sandra Bates'.

Sandra Bates AM
Artistic and Governing Director
Ensemble Productions Pty Limited

encl



About Ensemble Theatre

The Ensemble Theatre is NSW's longest and Australia's second longest continually running professional theatre company and survives through box office income and the continued commitment of our patrons and subscribers without any major sponsorship or government funding.

Ensemble Theatre has been presenting professional theatre productions on Sydney's north shore since 1958 and has been the training ground for many of Australia's most respected performers including Lorraine Bayly, Reg Livermore, Henri Szeps and Jack Thompson.

Ensemble productions have toured nationally and internationally.

The Ensemble Theatre has a history of making theatre spaces viable including the Playhouse, Sydney Opera House where the company was in residence during the refurbishment of our Kirribilli home during 1983 & 1984. Prior to the Ensemble's residency, the space had been used as a cinema. The Ensemble showed that the Playhouse could be a viable theatre space and it has been used for this purpose since then.

The Problem

Ensemble audiences have been increasing on a yearly basis and we now find that we have outgrown our space. Below are some figures which outline the seating capacity problems that we are experiencing.

Theatre Seating Capacity – 216
Subscription Base – 10,000 people

At the time of writing, Ensemble had sold more than 114,500 tickets to its 2006 subscription season, a number far in excess of the available seating for 2007.

We have previously employed the following techniques to increase our seating capacity–

- Run two shows in repertory at the Ensemble venue to allow for longer seasons
- Hired secondary venues to follow the original season- Theatre Royal
- Hired alternate venues for entire show run- Footbridge Theatre, SBW Independent Theatre, Seymour Centre, Theatre Royal, Playhouse - Sydney Opera House.

In an effort to simplify our season, at our subscriber's request, we have decreased the amount of doubling up with repertory performances. This has left us with fewer seats available. In 2007 we have decreased our seating capacity by over 20,000 tickets as the Playhouse, Sydney Opera House, is not available

to us in 2007. This makes it difficult for us to be able to accommodate our subscribers and will leave almost no seat available for single ticket buyers.

Why Marian Street?

Marian Street Theatre's closure 5 years ago as a professional theatre was a blow to Sydney theatre goers, particularly for those on the upper north shore and has resulted in the exclusion of many from having accessible theatre. Ensemble Theatre's proposal would ensure a regular income for the theatre, consistent patronage and once again bring life to this much loved venue.

Patron Interest

We asked our patrons who live in the area whether they would not only support Marian Street reopening but attend shows at the venue. We have received 63 emails encouraging this proposal- and they continue to arrive.

Some of the comments include;

"If Marian Street were to host Ensemble plays, we would certainly patronise the venue and in fact would attend as many plays as possible there."

Connie Klimko

"I would love to see the sight of the Marian Street Theatre used again." *Margaret Hornbrook*

"What a wonderful option to be able to attend our 'Ensemble' productions at Marian Street Theatre - we have subscribed to the Ensemble for years and years and would welcome going back to Marian Street to see the productions there. We miss Marian Street Theatre. We do hope that this idea becomes a fact - whoever came up with the concept- Congratulations!"

Ruth and Neil Tridgell

"I was extremely disappointed when Marian Street Theatre ceased operating. It was a great loss to the people of Ku-ring-gai. As a subscriber of the now defunct theatre it was a great opportunity for residents to experience high quality theatre without having to battle the traffic into the city."

Mandy Doyle

"It would be a wonderful idea if the Ensemble Plays and artistic performances produced at the Ensemble Theatre could be presented to local patrons who may at present find traveling to Kirribilli a challenge in respect of transport, parking etc and at the same time facilitating the enjoyment of new progressive theatre."

John and Jean Roberts

"A brilliant combination ... best productions at a favourite and much loved venue."

Wendy Slood

The Proposal

Ensemble Theatre would propose presenting each play within its subscription season at Marian Street Theatre for one to three weeks after each run at Ensemble depending on demand. The seating capacity at Marian Street is perfect for the following performance schedule.

Week 1 – 7 performances

Week 2 – 8 performances

Week 3 – 8 performances

At this stage we would expect to open for one week and anticipate extending to two weeks for most productions with the potential for a third week if the demand warrants it.

Outlined below are the proposed dates for Ensemble Theatre using Marian Street in 2007:

THE TIMES OF MY LIFE by Toni Lamond and Tony Sheldon

Featuring: Toni Lamond

Monday 12 March – Sunday 25 March

Toni Lamond would only perform a maximum of six times per week.

LOTTE'S GIFT by David Williamson

Featuring: Karin Schaupp

Not able to be presented at Marian Street as Karin Schaupp is not available.

DERRIDA IN LOVE by Timothy Daly

Cast includes: Anna Crawford, Lynette Curran, Andrew Tighe and Jacki Weaver

Monday 30 April – Sunday 13 May

TRYING by Joanna McClelland Glass

Cast: Michael Craig and Catherine McGraffin

Monday 18 June – Sunday 1 July

STELLA BY STARLIGHT by Bernard Farrell

Cast includes: Sarah Chadwick and Kate Raison

Monday 6 August – Sunday 19 August

RABBIT HOLE by David Lindsay-Abaire

Cast includes: Lorraine Bayly, Mark Kilmurry and Georgie Parker

Proposed tour to Canberra to be confirmed. Dates for Marian Street season to be confirmed when Canberra dates known.

GLORIOUS by Peter Quilter

Cast includes: Noeline Brown

Monday 19 November – Sunday 2 December

HALPERN & JOHNSON by Lionel Goldstein

Cast: Garry McDonald and Henri Szeps

Dates are To Be Confirmed but they would be in 2008 so would be part of the 2008 Subscription Season at Marian Street.

Show Times

Week 1	
Monday	Bump In- all day
Tuesday	Bump In- all day
Wednesday	8pm show
Thursday	11am show
Thursday	8pm show
Friday	8pm show
Saturday	5pm show
Saturday	8.30pm show
Sunday	5pm show
Week 2	
Monday	Day Off
Tuesday	8pm show
Wednesday	8pm show
Thursday	11am show
Thursday	8pm show
Friday	8pm show
Saturday	5pm show
Saturday	8.30pm show
Sunday	5pm show
Week 3	
Monday	Day Off
Tuesday	8pm show
Wednesday	8pm show
Thursday	11am show
Thursday	8pm show
Friday	8pm show
Saturday	5pm show
Saturday	8.30pm show
Sunday	Bump Out- all day

We are aware of the time restrictions in the Marian Street Plans of Management and can stay within these guidelines.

Noise Levels

We are extremely aware of noise levels with residential areas near by the theatre. Testaments to our consciousness in this area are our neighbours at Kirribilli.

Existing Tenants- Dual Theatre Use

Ensemble Theatre is aware of existing tenants in the building including a children's theatre group. We are aware that they presently use the venue during school holidays and also on Saturday. We are sensitive towards the needs of the children's theatre, in fact we see no major problems sharing the venue with this pre-existing group. We don't require Marian Street Theatre during the school holidays, our shows mostly take place at night and for weekend matinees we are certain that through negotiation we can find an equitable solution for both parties. If all parties are prepared to co-operate and find a suitable compromise we believe we can make this arrangement work.

Venue Expectations

Ensemble Theatre would expect that Marian Street Theatre is a safe venue, meeting all professional and occupational health and safety standards. It is also essential that the building's facilities are attractive enough for audience members to choose to attend shows at the venue. This is a great opportunity for Marian Street Theatre to be reborn as a fully professional theatre.

Proposed Fee

Ensemble Theatre is willing to pay similar rent as the previous rental fees.

The Ensemble's Commitment

The Ensemble Theatre would commit to presenting each of its productions for a one to three week season following the conclusion of the initial season at the Ensemble Theatre in Kirribilli for an initial trial period of one year. This would then be followed by a three plus three year agreement. The Ensemble would promote the patronage of the Marian Street Theatre by offering tickets to its subscribers at the launch of each year's season and promoting the dates to single ticket buyers through flyers, press releases, advertising and the Ensemble website.

Staffing

Ensemble would perform all payroll functions for staff employed at Marian Street Theatre. We are open to discussion as to whether Ensemble employs necessary staff or Ku-ring-gai Council employs staff.

TECHNICAL SUPPORT- Ensemble Theatre would supply all technical support staff.

BOX OFFICE – Ensemble Theatre would provide box office staff and technical equipment for access to Ensemble Box Office system.

FRONT OF HOUSE STAFF- Ensemble Theatre can either supply Front Of House staff or would be happy to use Marian Street staff.

Liquor Licensing

Ensemble Theatre would purchase a temporary liquor license to cover the weeks of residence if required.

Schedule for Ensemble Productions at Marian Street Theatre

Use	Date	Time
'Derrida in Love'		
Week 1		
Bump In	Mon 30/4/07	9.30am – 11.00pm
Technical Rehearsal	Tue 1/5/07	9.30am – 11.00pm
Dress Run & 8pm Performance	Wed 2/5/07	9.30am – 11.00pm
11am & 8pm Performance	Thurs 3/5/07	9.30am – 11.00pm
8pm Performance	Fri 4/5/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 5/5/07	3.00pm – 11.30pm
5pm Performance	Sun 6/5/07	3.00pm – 9.00pm
Week 2		
8pm Performance	Tue 8/5/07	6.00pm – 11.00pm
8pm Performance	Wed 9/5/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 10/5/07	9.30am – 11.00pm
8pm Performance	Fri 11/5/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 12/5/07	3.00pm – 11.30pm
5pm Performance	Sun 13/5/07	3.00pm – 9.00pm
Week 3		
8pm Performance	Tue 15/5/07	6.00pm – 11.00pm
8pm Performance	Wed 16/5/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 17/5/07	9.30am – 11.00pm
8pm Performance	Fri 18/5/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 19/5/07	3.00pm – 11.30pm
Bump Out	Sun 20/5/07	9.30am – 11.00pm
'Trying'		
Week 1		
Bump In	Mon 18/6/07	9.30am – 11.00pm
Technical Rehearsal	Tue 19/6/07	9.30am – 11.00pm
Dress Run & 8pm Performance	Wed 20/6/07	9.30am – 11.00pm
11am & 8pm Performance	Thurs 21/6/07	9.30am – 11.00pm
8pm Performance	Fri 22/6/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 23/6/07	3.00pm – 11.30pm
5pm Performance	Sun 24/6/07	3.00pm – 9.00pm
Week 2		
8pm Performance	Tue 26/6/07	6.00pm – 11.00pm
8pm Performance	Wed 27/6/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 28/6/07	9.30am – 11.00pm
8pm Performance	Fri 29/6/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 30/6/07	3.00pm – 11.30pm
5pm Performance	Sun 1/7/07	3.00pm – 9.00pm

Use	Date	Time
Week 3		
8pm Performance	Tue 3/7/07	6.00pm – 11.00pm
8pm Performance	Wed 4/7/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 5/7/07	9.30am – 11.00pm
8pm Performance	Fri 6/7/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 7/7/07	3.00pm – 11.30pm
Bump Out	Sun 8/7/07	9.30am – 11.00pm
'Stella by Starlight'		
Week 1		
Bump In	Mon 6/8/07	9.30am – 11.00pm
Technical Rehearsal	Tue 7/8/07	9.30am – 11.00pm
Dress Run & 8pm Performance	Wed 8/8/07	9.30am – 11.00pm
11am & 8pm Performance	Thurs 9/8/07	9.30am – 11.00pm
8pm Performance	Fri 10/8/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 11/8/07	3.00pm – 11.30pm
5pm Performance	Sun 12/8/07	3.00pm – 9.00pm
Week 2		
8pm Performance	Tue 14/8/07	6.00pm – 11.00pm
8pm Performance	Wed 15/8/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 16/8/07	9.30am – 11.00pm
8pm Performance	Fri 17/8/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 18/8/07	3.00pm – 11.30pm
5pm Performance	Sun 19/8/07	3.00pm – 9.00pm
Week 3		
8pm Performance	Tue 21/8/07	6.00pm – 11.00pm
8pm Performance	Wed 22/8/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 23/8/07	9.30am – 11.00pm
8pm Performance	Fri 24/8/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 25/8/07	3.00pm – 11.30pm
Bump Out	Sun 26/8/07	9.30am – 11.00pm
'Rabbit Hole'		
Dates to be confirmed		
'Glorious'		
Week 1		
Bump In	Mon 19/11/07	9.30am – 11.00pm
Technical Rehearsal	Tue 20/11/07	9.30am – 11.00pm
Dress Run & 8pm Performance	Wed 21/11/07	9.30am – 11.00pm
11am & 8pm Performance	Thurs 22/11/07	9.30am – 11.00pm
8pm Performance	Fri 23/11/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 24/11/07	3.00pm – 11.30pm
5pm Performance	Sun 25/11/07	3.00pm – 9.00pm

Use	Date	Time
Week 2		
8pm Performance	Tue 27/11/07	6.00pm – 11.00pm
8pm Performance	Wed 28/11/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 29/11/07	9.30am – 11.00pm
8pm Performance	Fri 30/11/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 1/12/07	3.00pm – 11.30pm
5pm Performance	Sun 2/12/07	3.00pm – 9.00pm
Week 3		
8pm Performance	Tue 4/12/07	6.00pm – 11.00pm
8pm Performance	Wed 5/12/07	6.00pm – 11.00pm
11am & 8pm Performance	Thurs 6/12/07	9.30am – 11.00pm
8pm Performance	Fri 7/12/07	6.00pm – 11.00pm
5pm & 8.30pm Performance	Sat 8/12/07	3.00pm – 11.30pm
Bump Out	Sun 9/12/07	9.30am – 11.00pm
'Halpern & Johnson'		
Dates to be confirmed- 2008		

* We would expect to open each show for one week and anticipate extending to two weeks for most productions with the potential for a third week if the demand warrants it.

* Our schedule fits the guidelines in the Marian Street Plans of Management.

* These times refer specifically to the use of the auditorium. Box Office Operators would require additional hours in Front of House.

ATTACHMENT F

COUNCIL	CULTURAL PLAN	CULTURAL FACILITY DATA
Lane Cove Council	Cultural Plan adopted 2005.	Currently provides Centre House – community arts and leisure centre with arts workshop facilities. Cultural Plan proposes a multi-purpose cultural facility. Feasibility Study to be commissioned but focus likely to be on music/ studio space/ space for arts organisations and workshops.
Hornsby Council	Cultural Plan to be developed in 2005.	Currently Council provides a small art gallery on the ground floor of Meriton Apartments. Leased to Hornsby Art Society for exhibitions, workshops etc. September 2004 Council commissioned a Feasibility Study in to the development of a Cultural Centre. A site on the west side of the railway line at Hornsby was identified for potential development. Scope of the Study included a performing arts focus and civic hall/ auditorium. The feasibility study is in progress (at May 2005) and the emphasis has shifted to the development of an art gallery/ heritage centre. A report to Council is expected in August.
Ryde City Council	Cultural Plan to be developed in 2005.	Council manages Willandra heritage home as an art gallery with accommodation for arts groups. Until 2003 the area had a theatre (Argyle Theatre) but it recently closed. There are gaps in Council's knowledge re. cultural needs in relation to cultural resources and it is expected that the Cultural Plan will provide new data.
Warringah Council *	Cultural Plan developed in 1992. Cultural and Heritage Strategy developed in 2000.	Council manages Glen Street Theatre as a professional 400 seat venue with an orchestra pit and proscenium arch, rehearsal room with sprung dance floor, restaurant. The theatre is located at Belrose. Subscriber season provides access to local and touring shows. Access also provided for community-based productions. Dee Why Town Centre Masterplan provides an option for Glen Street to relocate to Dee Why. Council also provides a branch library at Forestville co-located with the Forest Community Arts Centre. The Arts Centre is a small centre – 4 rooms including 2 flexible class rooms plus a pottery classroom. New purpose built facility opened in 2002.
Willoughby Council	Cultural Strategy developed 2003.	Council currently manages Zenith Theatre 250 seats and the Concert Hall in the Civic Centre which is the venue for the Council's Willoughby Symphony Orchestra. Council also manages the Willoughby Park Art and Recreation Centre – a multi-purpose centre including broad cultural activities and support for lifelong learning. Council is currently planning a major redevelopment of Civic Place in Chatswood town centre. Facilities planned include a new central library (5000 sq m), a concert hall (1000 seats) and a theatre (500 seats). The theatre will have a fly tower and an orchestra pit. No gallery planned although places for exhibition have been included such as a multipurpose exhibition hall/ auditorium. Project completion date is 2009.

TURRAMURRA RAILWAY STATION - PROPOSED PEDESTRIAN OVERBRIDGE

Ward: Comenarra

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To inform Council of RailCorp's latest proposals to widen the pedestrian overbridge at Turramurra railway station and recommend an appropriate option and funding strategy.
BACKGROUND:	<p>As part of the Turramurra Town Centre Preferred Land Use Options report that was considered by Council on 6 December 2005, Council resolved to inform RailCorp of its support for a 7.5 metre wide pedestrian bridge over the railway at Turramurra, and that options on funding and financial negotiations be provided in a further report.</p> <p>On 22 August 2006 a further report was submitted to Council outlining the contribution that RailCorp was seeking from Council towards the project. As a result, Council resolved to meet with Mr Barry O'Farrell, State Member for Ku-ring-gai and write to the Minister for Transport and the Department of Planning to assist Council in its negotiations with RailCorp.</p>
COMMENTS:	Following Council's resolution of 22 August 2006, the General Manager and Director of Open Space & Planning met with RailCorp representatives on 10 November 2006 to facilitate an agreement in relation to the configuration and cost of the overbridge. RailCorp have subsequently written to Council outlining various options for Council to consider. Details of the options, costs and timeframes are included in this report.
RECOMMENDATION:	That Council accept the proposal from RailCorp to construct a 5.5 metre wide pedestrian overbridge at Turramurra railway station at a cost of \$517,445.

PURPOSE OF REPORT

To inform Council of RailCorp's latest proposals to widen the pedestrian overbridge at Turramurra railway station and recommend an appropriate option and funding strategy.

BACKGROUND

As part of the Turramurra Town Centre Preferred Land Use Options report that was considered by Council on 6 December 2005, Council resolved to inform RailCorp of its support for a 7.5 metre wide pedestrian bridge over the railway at Turramurra, and that options on funding and financial negotiations be provided in a further report.

Since then, Council officers have met with, and had ongoing correspondence with, RailCorp regarding the widening of the pedestrian overbridge and the proposed contribution level from Council. On 19 May 2006, RailCorp lodged a development application with Council which provides for an 8.5 metre wide pedestrian overbridge.

On 22 August 2006 a further report was submitted to Council outlining the contribution that RailCorp was seeking from Council towards the project. As a result, Council resolved as follows:

- A. *That Council reaffirm its support for a wider pedestrian overbridge at Turramurra railway station subject to further negotiations regarding the level of contribution being sought by RailCorp.*
- B. *That the Mayor seek an urgent meeting with Mr Barry O'Farrell, State Member for Ku-ring-gai and write to the Minister for Transport and the Department of Planning to assist Council in its negotiations with RailCorp.*

COMMENTS

Following Council's resolution of 22 August 2006, the General Manager met with Mr Barry O'Farrell, State Member for Ku-ring-gai and on 30 August 2006 Mr O'Farrell made mention of proposed overbridge in an address to the New South Wales Legislative Assembly. In his address Mr O'Farrell outlined the improvements in terms of access and connectivity of shopping precincts located on both sides of the station and issues in relation to the contribution being sought by RailCorp from Council.

On 7 September 2006 the General Manager wrote to the Minister for Transport (Attachment A) and the Department of Planning (Attachment B), seeking their support in negotiating a more acceptable outcome for Council in terms of its contribution toward the project. The response from the Department of Planning is attached as Attachment C

The General Manager and Director of Open Space and Planning met with RailCorp representatives on 10 November 2006 to facilitate an agreement in relation to the configuration and cost of the

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overbridge. As a result of the meeting, RailCorp have subsequently written to Council outlining various options for Council to consider. Copies of their proposals, including diagrams are **attached** (Attachment D) and are outlined below.

Option 1: 8.5m wide bridge

- Provides a 8.5m wide footbridge (revision of current DA scheme);
- Provides a minimum clear walkway width of 7.0m at the restriction point located adjacent to the lift shaft;
- Includes 1 off shop (replacement of existing shop only);
- Project costs/council contributions as previously submitted to Council for the current DA scheme.

Option 2: 7m wide bridge

- Provides a 7.0m wide footbridge;
- Provides minimum clear walkway width of 7.0m across the entire length of the footbridge;
- Includes 1 off shop (replacement of existing shop only);
- Reduction in project costs/Council contributions.

Option 3: 5.5m wide bridge

- Provides a 5.5m wide footbridge;
- Provide a minimum clear walkway width of 5.5m across the entire length of the footbridge;
- Includes 1 off shop (replacement of existing shop only);
- Reduction project costs/Council contributions;
- Recommended solution if Council requires an increase in bridge width above the 3.5m wide bridge. This option provides a total bridge width equal to the current DA scheme restriction point of 5.5m.

Option 4: 3.5m wide bridge

- Provides a 3.5m wide footbridge;
- Provides a minimum clear walkway width of 3.5m across the entire length of the footbridge;
- Includes 1 off shop (replacement of existing shop only);
- Configuration meets RailCorp requirements to accommodate its current needs and provide some allowance for future growth;
- Requires no Council contributions.

Note: The definition of clear walkway width is the total structural width of the footbridge including any vertical wall finishes and canopy support columns.

Option Cost Estimate Summary

Footbridge Option	Project Cost	Council contribution
Option 1 – 8.5m	\$5,409,650	\$1,109,620
Option 2 – 7.0m	\$5,195,305	\$ 895,275
Option 3 – 5.5m	\$4,817,475	\$ 517,445
Option 4 – 3.5m	\$4,300,030	\$0

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As stated in previous reports, there are advantages to Council if a wider overbridge is constructed. These include providing much improved pedestrian permeability and better connectivity of the proposed future open space and public domain areas of the Turrumurra centre. It is considered a crucial piece of infrastructure to overcome the current divided nature of the Turrumurra commercial centre. A brief analysis of the options is provided below:

Option 1

- 8.5 metre wide footbridge (minimum clearance 8.5 metres)
- This option is considered to be unnecessarily wide
- The cost of the bridge is unacceptable

Option 2

- 7 metre wide footbridge (minimum clearance 7.0 metres)
- This is the optimum option in terms of providing an improved pedestrian link
- It provides a 7.0m clear walkway which provides for an additional 3.5 metres of walkway
- Meets the objectives of the DCP
- Cost is significantly higher than Option 3

Option 3

- 5.5 metre wide footbridge (minimum clearance 5.5 metres)
- Provides a significantly enhanced pedestrian link
- Provides additional 2 metres of walkway above the minimum requirements
- Meets the objectives of the DCP
- Cost of this option is acceptable

Option 4

- 3.5 metre wide footbridge (minimum clearance 3.5 metres)
- This option is not recommended as it provides for the minimum station access requirements
- Does not improve significantly on the existing situation
- Does not meet the DCP objectives of improving pedestrian access

Considering costs and benefits, Option 3 on balance, provides an acceptable outcome

The funding of a pedestrian overbridge through Section 94 has been discussed with Council's consultant for the town centres. Whilst the proposal will be required to be considered by Council, included in a draft S94 plan and be exhibited prior to adoption by Council, advice is that the identification of the pedestrian overpass (Council's contribution) in the Section 94 plan is appropriate. The full take-up of the cost may only be realised over the life of a succession of Section 94 plans.

It is therefore proposed that the Council contribution to the bridge be identified in Council's S94 plan being developed as part of the Turrumurra Centre Planning process. Recent amendments to S94 legislation will allow Council to prioritise capital works within contribution plans to allow the borrowing of funds within and across plans to fund early delivery of levy projects.

CONSULTATION

Extensive consultation has taken place with RailCorp over several months.

The General Manager and other Council officers met with Mr Barry O'Farrell, State Member for Ku-ring-gai and the General Manager has written to the Minister for Transport and Department of Planning regarding the proposal from RailCorp. Mr O'Farrell made mention of the issues associated with access at the station and the costs implications for Council in an address to the New South Wales Legislative Assembly on 30 November 2006.

There also has been considerable community consultation on the Draft LEP and Draft DCP for the Turramurra Centre, which have identified the provision of the widened rail overbridge. This consultation has included household surveys, community visioning workshops, Council Planning Committees and preliminary exhibition of the draft plans prior to Council's adoption of the Draft DCP and Draft LEP.

FINANCIAL CONSIDERATIONS

Assuming Council resolves to contribute towards the construction of a 5.5 metre wide pedestrian overbridge, RailCorp is requesting that Council contribute \$517,445 towards the project. Council's contribution will be funded from Section 94 contributions under the Section 94 plan being developed as part of the Turramurra Centre planning process. The new Section 94 legislation will allow Council to prioritise capital works within and across contributions plans to allow the borrowing of funds within plans to fund early delivery of key projects.

RailCorp have also outlined in their proposal that they would be prepared to accept some staging of payments and further negotiations could take place with RailCorp regarding the timing of payments at a later stage.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation between Finance & Business and Planning has taken place as part of the preparation of this report.

SUMMARY

As identified in the Turramurra Town Centre Preferred Land Use Options report considered by Council on 6 December 2005, there are significant advantages in constructing a wider pedestrian overbridge at Turramurra railway station. Following negotiations with RailCorp, several options of differing widths and costs have been proposed by RailCorp and they have requested that Council advise them as soon as possible as to whether any of the options are suitable and commit to partially funding the project.

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The construction of a 5.5 metre wide overbridge would meet Council's objectives in terms of access to and from the station and funding for Council's contribution of \$517,445 can be obtained through Section 94 contributions and the relevant plans will be developed to reflect this project.

RailCorp is requesting that Council commit its contribution before the end of the year to enable commencement of the project in January 2007

RECOMMENDATION

- A. That Council advise RailCorp of its commitment of \$517,445 towards the construction of a 5.5 metre wide pedestrian overbridge at Turramurra railway station.
- B. That Council's contribution towards the project of \$517,445 be funded from the relevant section 94 plans.
- C. That the execution of all documents in relation to a Deed of Agreement between RailCorp and Ku-ring-gai Council be delegated to the General Manager
- D. That the Common Seal be affixed to any necessary documents
- E. That further reporting to Council indicate final details regarding the agreement including the staging of payments and construction timetable.

John Clark
Acting Director Finance & Business

Steven Head
Director Open Space & Planning

Attachments: **Attachment A: Letter to Minister for Transport dated 7 September 2006 - 668932**
 Attachment B: Letter to Department of Planning dated 5 September 2006 - 668931
 Attachment C: Response from Department of Planning dated 3 November 2006 - 692835
 Attachment D: Letter from RailCorp dated 29 November 2006 - 706750

S04038

7 September 2006

The Hon. John Watkins, MP
Minister for Transport
Governor Macquarie Tower
Level 30, 1 Farrer Place
SYDNEY NSW 20000

Dear Minister

Ku-ring-gai Council is in the process of developing planning instruments for its six centres. On 6 December 2005, Council considered a report on preferred land use options for the Turramurra centre. The report identified the Turramurra railway station pedestrian overbridge as an issue that required further investigation, and the planning principles for Turramurra centre identify objectives of improving pedestrian access to and through the centre as well as improving the connectivity of both sides of the railway.

At the time Council considered this report, as part of the Easy Access Upgrade Program, Railcorp was proposing to build a new pedestrian overbridge over the rail line at Turramurra Rail Station. Over the past six months, discussions between Council officers and Railcorp have resulted in Railcorp lodging a development application with Council for an 8.5 metre wide pedestrian overbridge at the railway station. The existing bridge is 3.3 metres wide and Council has, subject to funds being available, agreed to fund the difference in construction costs of widening the overbridge to 8.5 metres.

Throughout the majority of the negotiations, indications were that Council would fund its share of construction of the wider overbridge. However, in August, Railcorp wrote to Council stating that they are seeking a proportionate contribution from Council that encompasses construction, project management and future maintenance and demolition costs of the wider overbridge. The total amount being sought is \$1,109,620. Previous discussions indicated that the amount of Council's contribution would be around \$900,000. Further to this, Railcorp advised that they required confirmation from Council regarding its commitment to contributing \$1,109,620 towards the project on 23 August 2006 or they will revert to replacing the overbridge at its existing width.

The development application lodged by Railcorp provides for the construction of three shops on the new overbridge. As the shops are on Railcorp land and air space, they have stated that any revenue generated from the shops will remain with them. However, it should be noted that these shops cannot be constructed without the widening of the bridge. Therefore, Railcorp will benefit from on going revenue from the overbridge and at the same time are requesting that Council pay not only for construction and project management, but also future maintenance and demolition of the structure. Council's opinion is that this is not a fair and reasonable allocation of costs and further negotiations with Railcorp are required to reach a more equitable outcome.

Council's contribution will in part be funded from S94 contributions under the Section 94 plan being developed as part of the Turrumurra Centre planning process. However, it is unlikely that funds will have been collected under the Section 94 plans before Council is required to pay its contribution to Railcorp. As a consequence, Council will have to consider its options in terms of internal or external borrowings to fund up-front costs of the project, making it extremely difficult for Council to commit to this level of funding.

There are significant advantages in constructing a wider pedestrian overbridge at the railway station including improved pedestrian permeability and better connectivity of the proposed future open space and public domain. It is considered a crucial piece of infrastructure to overcome the current divided nature of the Turrumurra commercial centre. Therefore Council is keen to pursue negotiations with Railcorp and contribute to the widening of the bridge but is unable to commit these funds by the date set by Railcorp. As a result, Council resolved on 22 August 2006::

"That Council re-confirm its support for a wider pedestrian overbridge at Turrumurra railway station subject to further negotiations regarding the level of contribution being sought by Railcorp.

That the Mayor requests an urgent meeting with Mr Barry O'Farrell, State Member for Ku-ring-gai, and that Council write to the Minister for Transport and the Department of Planning to assist Council in its negotiations with Railcorp."

In accordance with the above resolution I am writing to you to seek your support in relation to Council's contribution to the project. The overbridge is seen as a crucial component of the Turrumurra Centre planning process and as such it would be appreciated if you could assist Council by making representations to Railcorp that confirm the importance of the overbridge, and at the same time encourage Railcorp to negotiate with Council to provide a more equitable share of funding of the project.

I can be contacted on (02) 9424-0711 if you would like to discuss the matter further.

Yours sincerely

John McKee
General Manager

S04038

5 September 2006

Mr Sam Haddad
Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad

As you are aware, Ku-ring-gai Council is in the process of developing planning instruments for its six centres. On 6 December 2005, Council considered a report on preferred land use options for the Turramurra centre. The report identified the Turramurra railway station pedestrian overbridge as an issue that required further investigation, and the planning principles for Turramurra centre identify objectives of improving pedestrian access to and through the centre as well as improving the connectivity of both sides of the railway.

At the time Council considered this report, Railcorp was proposing to build a new pedestrian overbridge over the rail line at Turramurra Rail Station. Over the past six months, discussions between Council officers and Railcorp have resulted in Railcorp lodging a development application with Council for an 8.5 metre wide pedestrian overbridge at the railway station. The existing bridge is 3.3 metres wide and Council has, subject to funds being available, agreed to fund the difference in construction costs of widening the overbridge to 8.5 metres.

Throughout the majority of the negotiations, indications were that Council would fund its share of construction of the wider overbridge. However, in August, Railcorp wrote to Council stating that they are seeking a proportionate contribution from Council that encompasses construction, project management and future maintenance and demolition costs of the wider overbridge. The total amount being sought is \$1,109,620. Previous discussions indicated that the amount of Council's contribution would be around \$900,000. Further to this, Railcorp advised that they required confirmation from Council regarding its commitment to contributing \$1,109,620 towards the project on 23 August 2006 or they will revert to replacing the overbridge at its existing width.

The development application lodged by Railcorp provides for the construction of three shops on the new overbridge. As the shops are on Railcorp land and air space, they have stated that any revenue generated from the shops will remain with them. However, it should be noted that these shops cannot be constructed without the widening of the bridge. Therefore, Railcorp will benefit from ongoing revenue from the overbridge and at the same time are requesting that Council pay not only for construction and project management, but also future maintenance and demolition of the structure. Council's opinion is that this is not a fair and reasonable allocation of costs and further negotiations with Railcorp are required to reach a more equitable outcome.

Council's contribution will in part be funded from S94 contributions under the Section 94 plan being developed as part of the Turrumurra Centre planning process. However, it is unlikely that funds will have been collected under the Section 94 plans before Council is required to pay its contribution to Railcorp. As a consequence, Council will have to consider its options in terms of internal or external borrowings to fund up-front costs of the project, making it extremely difficult for Council to commit to this level of funding.

There are significant advantages in constructing a wider pedestrian overbridge at the railway station including improved pedestrian permeability and better connectivity of the proposed future open space and public domain. It is considered a crucial piece of infrastructure to overcome the current divided nature of the Turrumurra commercial centre. Therefore, Council is keen to pursue negotiations with Railcorp and contribute to the widening of the bridge but is unable to commit these funds by the date set by Railcorp. As a result, Council resolved on 22 August 2006::

"That Council re-confirm its support for a wider pedestrian overbridge at Turrumurra railway station subject to further negotiations regarding the level of contribution being sought by Railcorp.

That the Mayor requests an urgent meeting with Mr Barry O'Farrell, State Member for Ku-ring-gai, and that Council write to the Minister for Transport and the Department of Planning to assist Council in its negotiations with Railcorp."

In accordance with the above resolution, I am writing to you to seek your support in relation to Council's contribution to the project. The overbridge is seen as a crucial component of the Turrumurra Centre planning process and as such it would be appreciated if you could assist Council by making representations to Railcorp that confirm the importance of the overbridge and at the same time encourage Railcorp to negotiate with Council to provide a more equitable share of funding of the project.

I can be contacted on (02) 9424-0711 if you would like to discuss the matter further.

Yours sincerely

John McKee
General Manager



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr John McKee
General Manager
Locked Bag 1056
PYMBLE NSW 2073

DGC06/1700

Dear Mr McKee

I refer to your letter of 5 September 2006 concerning Council contributions towards the pedestrian bridge over the rail line at Turramurra train station.

I understand that RailCorp lodged a development application for an 8.5 metre wide pedestrian bridge in May this year and that Council has been negotiating with RailCorp in relation to jointly funding construction of the bridge.

The Department is supportive of the work being undertaken by Council to increase the residential and retail capacity of Turramurra. In relation to Council's contribution to the project, however, this is a matter between Council and RailCorp and it would not be appropriate for the Department to comment.

Should you have any further enquiries about this matter, I have arranged for Mr Peter Goth, Regional Director, Sydney North West Region to assist you. Mr Goth may be contacted at the Department's Redfern Office on telephone number (02) 8374 5906.

Yours sincerely

Sam Haddad

Sam Haddad
Director General

3. 11. 2006.





Rail Corporation New South Wales (Rail infrastructure Corporation & StateRail)
Major Projects Division – Stations & Buildings Group
Level 2, 477 Pitt Street SYDNEY NSW 2000

29 November 2006

John McKee
Acting General Manager
Ku-ring-gai Council
DX 8703 GORDON NSW 2072

Dear John,

RE: TURRAMURRA STATION PEDESTRIAN OVERBRIDGE

To facilitate an agreement between RailCorp and Ku-ring-gai Council on the preferred Turramurra Station footbridge configuration a meeting was held on Friday 10 November 2006. Attendees at the meeting included:

- John McKee (Ku-ring-gai Council - General Manager)
- Steven Head (Ku-ring-gai Council - Director Open Space and Planning)
- Michael Childs (RailCorp - Project Manager)
- Julian Richards (RailCorp - Project Director)
- Jon Mander-Jones (RailCorp - Manager Easy Access)

Meeting Resolutions

The following resolutions were agreed at the above meeting:

- RailCorp to provide a proposal for the Turramurra Station Pedestrian Overbridge including four (4) options for varying bridge widths.
- RailCorp to provide in conjunction with the above options the associated Council funding contributions.
- RailCorp to provide details of the proposed "Infrastructure Contribution Agreement" including clarification of the standard conditions for payment of the Council funding contribution to RailCorp.
- Ku-ring-gai Council would then review and determine their preferred footbridge option.
- Ku-ring-gai Council to develop suitable documentation for their preferred option and present at the next Ku-ring-gai Council general meeting for endorsement of the footbridge option and Council funding contribution.
- The current DA submission includes the Station Easy Access Upgrade plus a temporary footbridge as part of the staging. Ku-ring-gai Council to assist RailCorp in obtaining relevant Council/DA approval to allow for the temporary footbridge construction works to proceed without delay.

Details of the current DA scheme

To enable comparison of the proposed footbridge options to the current DA submission an outline of the DA scheme has been detailed below:

- Provides a 8.5m wide footbridge that steps out to 10.0m wide to accommodate the zone of shops;
- Provides a minimum clear walkway width of 8.5m at the entrance area and reduces to 7.0m adjacent the zone of shops with a the restriction point of 5.5m located between the shops and lift shaft;
- Includes 3 off shops.

RailCorp has reviewed the current DA proposal and has determined that it is not economically viable for RailCorp to support three (3) new retail shops at Turramurra Station. Further that the single existing shop is deemed to provide a sufficient service to customers and will be included within any new footbridge design.

Proposed Footbridge Options

Four (4) footbridge configuration options have been developed for Council consideration have been detailed below (see attached layout drawings):

Option 1: 8.5m wide bridge

- Provides a 8.5m wide footbridge (revision of current DA scheme);
- Provides a minimum clear walkway width of 7.0m at the restriction point located adjacent to the lift shaft;
- Includes 1 off shop (replacement of existing shop only);
- Project costs/council contributions as previously submitted to Council for the current DA scheme.

Option 2: 7m wide bridge

- Provides a 7.0m wide footbridge;
- Provides minimum clear walkway width of 7.0m across the entire length of the footbridge;
- Includes 1 off shop (replacement of existing shop only);
- Reduction in project costs/Council contributions.

Option 3: 5.5m wide bridge

- Provides a 5.5m wide footbridge;
- Provide a minimum clear walkway width of 5.5m across the entire length of the footbridge;
- Includes 1 off shop (replacement of existing shop only);
- Reduction project costs/Council contributions.
- Recommended solution if Council requires an increase in bridge width above the 3.5m wide bridge. This option provides a total bridge width equal to the current DA scheme restriction point of 5.5m.

Option 4: 3.5m wide bridge

- Provides a 3.5m wide footbridge;
- Provides a minimum clear walkway width of 3.5m across the entire length of the footbridge;
- Includes 1 off shop (replacement of existing shop only);
- Configuration meets RailCorp requirements to accommodate it's current needs and provide some allowance for future growth;
- Requires no Council contributions.

Note: The definition of clear walkway width is the total structural width of the footbridge including any vertical wall finishes and canopy support columns.

Option Cost Estimate Summary

Footbridge Option	Project Cost	Council Contribution
Option 1 – 8.5m	\$ 5,409,650	\$ 1,109,620
Option 2 – 7.0m	\$ 5,195,305	\$ 895,275
Option 3 – 5.5m	\$ 4,817,475	\$ 517,445
Option 4 – 3.5m	\$ 4,300,030	\$0

The above Council Contribution costs are a direct result of the widening of the bridge from the 3.5m RailCorp requirement and would be incurred by RailCorp either during the construction phase of the project, through ongoing maintenance or during demolition of the bridge.

RailCorp/Council Agreement Issues

Both RailCorp and Council would enter into an "Infrastructure Contribution Agreement" to formalise the arrangements for funding, ownership and maintenance of the bridge. A draft "Infrastructure Contribution Agreement" has been attached for Council review and comment.

RailCorp note that at the life expiry/demolition of the bridge the width of any replacement bridge would be assessed based upon RailCorp patronage levels at the time. Any additional bridge width above that of the RailCorp requirements would need to be funded by Council.

RailCorp note that they would consider staging the repayment of any Council contribution to RailCorp to assist with Council's cash flow difficulties. Payment of the contribution through instalments over a maximum two (2) year period from commencement of the project in January 2007 (site establishment) would be considered. The repayment cycle would include the 1st instalment of 70% of the contribution payable at practical completion (January 2008), 2nd and final instalment of 30% of the contribution payable at one (1) year after Practical Completion (January 2009).

Timeframes

I express the critical time aspect of this project and request an urgent response detailing Council's position regarding their preferred footbridge option and provision of contributions for the project.

Once a commitment has been made from Council then the "Infrastructure Contribution Agreement" can be subsequently established.

I look forward to a positive reply. If you have any queries or should you require any further information please contact myself (Ph. 8922 1717) as necessary.

Yours faithfully



Julian Richards

Project Director

Major Projects - Stations & Buildings

Asset Management Group



Rail Corporation New South Wales (ABN 59 325 778 353)
(RailCorp)

Ku-ring-gai Council (ABN 86 408 856 411)
(Council)

Infrastructure Contribution Agreement

In respect of Turramurra Railway Station Easy Access Upgrade

DRAFT

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- (c) local government council;
- (d) other body,

which has a right to impose a requirement or whose consent is required with respect to the Station Works.

"Business Day" means a day (not being a Saturday, Sunday or public holiday) on which banks are generally open for business in the City of Sydney.

"Confidential Information" means the existence or content of this Agreement and any negotiations, discussions or Documents in relation to this Agreement.

"Contribution" means the amount of [AGREED AMOUNT].

"Defaulting Party" means a party in default of this Agreement within the meaning of clause 5.1.

"Development Application" means the development application, which is prepared by, or on behalf of, RailCorp in respect of the Station Works.

"Development Consent" means the consent to be granted by Council in respect of the Development Application.

"Documents" includes (without limitation) contracts, deeds, agreements, files, correspondence, notes, memoranda (including internal memoranda), file notes, reports, briefing papers, submissions, diary notes, receipts, minutes of meetings, resolutions, agenda papers, working papers, calculations, schedules, plans, sketches, drawings, photographs, certificates, statements, reports, notices and advertisements.

"Event of Default" means an event so described in clause 5.1.

"GST" has the meaning ascribed to that term by the *A New Tax System (Goods and Services) Tax Act 1999* (as amended from time to time) or any replacement or other relevant legislation and regulations.

"Law" means the common law and the principles and doctrines of equity, any constitution or legislation in force from time to time within the Commonwealth of Australia or any State or Territory of the same, any rule, regulation, ordinance, by-law, ruling, guideline, statutory instrument, decree, order, direction or notice made and in force from time to time under any such legislation, and any other similar measure (and the expressions "lawful" and "unlawful" shall be construed accordingly).

"Loss or Claim" means all actions, claims, costs, expenses, liabilities, losses, suits, damages of any nature (including the costs of defending or settling any action or claim).

"Non-Defaulting Party" means a party not in default of this Agreement within the meaning of clause 5.1.

"Permitted Person" means any officer, employee, director, legal advisor or financial advisor of either party.

"Practical Completion of the Station Works" means when in RailCorp's view (acting reasonably):

- (a) the Station Works are complete except for minor defects:
 - (i) which do not prevent the Station Works from being reasonably capable of being used for their intended purpose; and

- (ii) rectification of which will not prejudice the convenient use of the Station Works;
- (b) any temporary works (such as scaffolding) have been removed; and
- (c) all surplus building material has been removed.

"**Station Works**" means the works to be undertaken by the RailCorp to upgrade Turrumurra Railway Station which are generally shown in the drawings, diagrams and documents attached in Schedule 1 and which may be subject to alteration or modification from time to time.

1.2 Interpretation

In this Agreement:

- (a) headings are for convenience only and do not affect interpretation;
- and unless the context indicates a contrary intention:
- (b) an obligation or liability assumed by, or a right conferred on, 2 or more parties binds or benefits all of them jointly and each of them severally;
 - (c) the expression "**person**" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
 - (d) a reference to any party includes that party's executors, administrators, successors and permitted assigns, including any person taking by way of novation;
 - (e) a reference to any document (including this Agreement) is to that document as varied, novated, ratified or replaced from time to time;
 - (f) a reference to any statute or to any statutory provision includes any statutory modification or re-enactment of it or any statutory provision substituted for it, and all ordinances, by-laws, regulations, rules and statutory instruments (however described) issued under it;
 - (g) words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
 - (h) references to parties, clauses, schedules, exhibits or annexures are references to parties, clauses, schedules, exhibits and annexures to or of this Agreement, and a reference to this Agreement includes any schedule, exhibit or annexure to this Agreement;
 - (i) where a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
 - (j) the word "includes" in any form is not a word of limitation; and
 - (k) a reference to "\$" or "dollar" is to Australian currency.

1.3 Governing Law

This Agreement is governed by and will be construed according to the laws of New South Wales.

1.4 Jurisdiction

- (a) Each party irrevocably submits to the non-exclusive jurisdiction of the courts of New South Wales, and the courts competent to determine appeals from those courts, with respect to any proceedings which may be brought at any time relating in any way to this Agreement.
- (b) Each party irrevocably waives any objection it may now or in the future have to the venue of any proceedings, and any claim it may now or in the future have that any proceedings have been brought in an inconvenient forum, where that venue falls within paragraph (a) of this clause.

2. PRECONDITIONS

The obligations of RailCorp under this Agreement are subject to and conditional on the occurrence of the following events:

- (a) the grant of the Development Consent;
- (b) the payment of the Contribution to RailCorp by the Council in accordance with clause 3 and the payment to RailCorp by the Council of any GST payable in respect of the Contribution in accordance with clause 9; and
- (c) RailCorp obtaining all necessary Authorisations to undertake the Station Works.

3. CONTRIBUTION

3.1 Payment of the Contribution

Council must pay the Contribution to RailCorp by bank cheque made out to RailCorp through instalments over a two (2) year period. The repayment cycle would include:

- (a) 1st instalment of 70% of the contribution payable at practical completion; and
- (b) 2nd and final instalment of 30% of the contribution payable at one (1) year after Practical Completion.

3.2 Application of the Contributions

RailCorp may only apply the Contribution towards the Station Works or any Ancillary Costs but may do so in any manner it sees fit.

4. OBLIGATIONS APPLYING TO THE STATION WORKS

4.1 RailCorp to Comply with Laws and Obtain Approvals

- (a) RailCorp must in respect of the Station Works, comply with all Laws and satisfy the requirements of all Authorities.
- (b) RailCorp must obtain all Authorisations required for the Station Works.

4.2 Completion of the Station Works

- (a) RailCorp must procure that the Station Works are undertaken in accordance with the Development Consent.
- (b) RailCorp must use its reasonable endeavours to achieve Practical Completion of the Station Works by the Anticipated Completion Date and if RailCorp is unable to

achieve Practical Completion of the Station Works by the Anticipated Completion Date, RailCorp must use its reasonable endeavours to achieve Practical Completion of the Station Works as soon as practicable after that date.

4.3 Own Risk

RailCorp will undertake the Station Works at its own risk and Council will not be liable in respect of any Loss or Claim incurred by or brought against RailCorp in respect of the Station Works except as provided in this Agreement.

5. DEFAULT

5.1 Events of Default

- (a) Each of the following circumstances constitutes a default under this Agreement and is an Event of Default:
 - (i) if a party fails to comply with any of its obligations under this Agreement;
 - (ii) a receiver, official manager or similar officer is appointed to all or part of the assets or undertakings of a party;
 - (iii) a party enters into any arrangement, compromise with or assignment for the benefit of its creditors; and

5.2 Opportunity to Rectify

Notwithstanding anything expressed or implied in this Agreement, a Non-Defaulting Party will not exercise its rights consequent upon the default of the Defaulting Party or institute proceedings against the Defaulting Party or determine this Agreement unless the Non-Defaulting Party shall have first given to the Defaulting Party written notice of the Event of Default on which the Non-Defaulting Party relies in seeking to act as aforementioned, provided that:

- (a) in the case of an Event of Default remediable by payment of moneys, if the Defaulting Party pays to the Non-Defaulting Party within 5 Business Days of service of such notice all moneys necessary to remedy such Event of Default;
- (b) in the case of an Event of Default remediable by means other than the payment of moneys:
 - (i) if the Defaulting Party within 10 Business Days of the service of such notice undertakes in writing to the Non-Defaulting Party to remedy the Event of Default and so remedies the same within a reasonable time having regard to the nature and extent thereof;
 - (ii) the Non-Defaulting Party does not within 10 Business Days notify the Defaulting Party that its undertaking is not accepted for any reason, (in which case a dispute within the terms of clause 7 will exist); and
 - (iii) the Defaulting Party complies with its undertaking;
- (c) in the case of an Event of Default which cannot be remedied, if the Defaulting Party pays to the Non-Defaulting Party compensation to the satisfaction of the Non-Defaulting Party acting reasonably in respect of such Event of Default;

then the Non-Defaulting Party shall not be entitled to rely upon the Event of Default set out in

the notice to the Defaulting Party and the same shall be absolutely waived by the Non-Defaulting Party and this Agreement shall continue in full force and effect as if no such Event of Default had occurred.

6. DISPUTE DETERMINATION

If any dispute, question or difference (a "**dispute**") arises between the parties as to the meaning, operation or effect of any provision in this Agreement or as to the rights or liabilities of any party under this Agreement, the parties agree to the following procedures to resolve the dispute:

- (a) a representative of Council and a representative of RailCorp must meet at the request of either party and for a period of 10 Business Days attempt to resolve the dispute;
- (b) if the dispute remains unresolved after the procedure in (a) has been followed, the [TITLE] of Council and Chief Executive Officer of RailCorp must meet at the request of either party and for a period of 10 Business Days attempt to resolve the dispute;
- (c) if after the procedures in subclauses (a) and (b) have been followed, the dispute has not been resolved the parties agree to appoint a person within 5 Business Days who is of good repute and is an expert in the area relevant to the determination;
- (d) if the parties cannot agree on the appointment of an independent expert within the 5 Business Day period referred to in sub-clause (c), the parties must request the Secretary General of the Australian Commercial Disputes Centre Limited to appoint that person (other than an arbitrator) within 5 Business Days;
- (e) an expert determination conducted under this clause is not an arbitration and the expert is not an arbitrator. The expert may reach a decision from his or her own knowledge and expertise;
- (f) the expert will proceed in any manner he or she thinks fit and make such directions for the conduct of the determination as he or she considers necessary;
- (g) the costs of the independent expert will be shared equally by the parties;
- (h) the parties will comply with any directions made by the expert in respect of his/her determination;
- (i) the expert:
 - (i) must disclose to the parties any interest he or she has in the outcome of the determination; and
 - (ii) must not communicate with one party without the knowledge of the other parties;
- (j) unless otherwise agreed between the parties, which agreement shall not be unreasonably withheld, the expert must notify the parties of his or her expert determination conducted under this clause 20 Business Days from the acceptance by the expert of his or her appointment;
- (k) the expert will not be liable to the parties arising out of, or in any way in connection with, the expert determination process, except in the case of fraud; and

- (l) the determination of the expert:
 - (i) must be provided to all of the parties;
 - (ii) must be in writing and be accompanied by reasons for the determination;
 - (iii) will be final and binding on all the parties; and
 - (iv) will not be subject to appeal by any of the parties.

7. CONFIDENTIALITY

7.1 Covenants

Each party will:

- (a) keep the Confidential Information confidential;
- (b) without limiting clause 7.1(a), ensure that the Confidential Information is not disclosed to any person other than a Permitted Person without the prior written approval of the other party;
- (c) take all steps and do all things reasonably necessary in order to safeguard the confidentiality of the Confidential Information;
- (d) ensure that all Permitted Persons who have access to the Confidential Information observe the provisions of this Agreement; and
- (e) not make or allow copies of or extracts of all or any part of the Confidential Information except for the purpose of internal corporate decision procedures or for provision to Permitted Persons.

7.2 Limitations

Clause 7.1 does not apply to any disclosure required by Law, but then only to the extent required by Law.

8. NOTICES AND ADDRESSES

8.1 Notices

Any notice given, or communication under or in connection with this Agreement:

- (a) must be in writing;
- (b) must be signed by the party making the communication or (on its behalf) by the solicitor for, or by any attorney, director, secretary, or authorised agent of, that party;
- (c) must be delivered or posted by prepaid post to the address, or sent by fax to the number, of the addressee, set out in clause 8.2 or as notified by that party to the other parties from time to time; and
- (d) will be deemed to be received by the addressee:
 - (i) (in the case of prepaid post) on the third Business Day after the date of posting to an address within Australia, and on the fifth Business Day after the date of posting to an address outside Australia;

- (ii) (in the case of fax) at the local time (in the place of receipt of that fax) which then equates to the time at which that fax is sent as shown on the transmission report which is produced by the machine from which that fax is sent and which confirms transmission of that fax in its entirety, unless that local time is a non Business Day, or is after 5:00 pm on a Business Day, when that communication will be deemed to be received at 9:00 am on the next Business Day; and
- (iii) (in the case of delivery by hand) on delivery at the address of the addressee as provided in clause 8.2, unless that delivery is made on a non Business Day, or after 5:00 pm on a Business Day, when that communication will be deemed to be received at 9:00 am on the next Business Day.

8.2 Addresses

- (a) The address for RailCorp is:

Address: Level 2, 477 Pitt Street, Sydney, NSW, 2000
 Fax no: (02) 8922 1721
 For the attention of: [INSERT] (or as otherwise notified by that party to the other parties in writing from time to time);

- (b) The address for the Developer is:

Address: 818 Pacific Highway, Gordon, NSW, 2072
 Fax no: (02) [INSERT]
 For the attention of: [INSERT] (or as otherwise notified by that party to the other parties in writing from time to time).

9. GST

9.1 Rules for Interpreting this Clause

- (a) "GST", "GST law" and other terms used in this clause 10 (except "**Recipient**") have the meanings ascribed to those terms by the *A New Tax System (Goods and Services Tax) Act 1999* (as amended from time to time) or any replacement or other relevant legislation and regulations;
- (b) Any reference in this clause to GST payable by a party includes any GST payable by the representative member of any GST group of which that party is a member. Any reference in this clause to input tax credits to which a party is entitled will include input tax credits to which the representative member of any GST group of which that party is a member is entitled; and
- (c) If the GST law treats part of a supply as a separate supply for the purpose of determining whether GST is payable on that part of the supply or for the purpose of determining the tax period to which that part of the supply will be attributable, such part of the supply will be treated as a separate supply for the purposes of this clause.

9.2 GST Payable

- (a) Reimbursement of costs, expenses and other amounts

If a party is required under this Agreement to reimburse or pay to another party an amount calculated by reference to a cost, expense, or an amount paid or incurred by that party, the amount of the reimbursement or payment will be reduced by the amount of any input tax credits to which that party is entitled in respect of any

acquisition relating to that cost, expense or other amount.

(b) GST payable

If GST becomes payable by a party to this Agreement ("**Supplier**") in relation to any supply that it makes under or in connection with this Agreement, the parties agree that:

- (i) any consideration (including the value of any non-monetary consideration) provided for that supply under or in connection with this Agreement other than under this clause 9.2(b) ("**Agreed Amount**") is exclusive of GST;
- (ii) an additional amount will be payable by the party providing consideration for that supply ("**Recipient**") equal to the amount of GST payable by the Supplier in relation to that supply; and
- (iii) the additional amount is payable at the same time as any part of the Agreed Amount is to be first provided for that supply; and
- (iv) the Supplier will provide a tax invoice to the Recipient in respect of that supply, no later than the time any part of the consideration for that supply is to be provided.

To the extent, if any, that any consideration for a supply is specified in this Agreement to be inclusive of GST, that consideration shall be excluded from the Agreed Amount for the purposes of clause 9.2(b)(ii).

(c) Variation

If the GST payable by the Supplier to the Australian Taxation Office in respect of a supply it makes under this Agreement varies from the additional amount paid by the Recipient to the Supplier on account of GST under clause 9.2(b)(ii) in respect of that supply (if any) such that:

- (i) the Supplier is required to pay an amount (or further amount) of GST in respect of that supply; or
- (ii) the Supplier receives a refund or credit of the whole or any part of the GST paid by the Supplier in relation to that supply,

then the Supplier will provide a corresponding refund or credit to or will be entitled to receive the amount of that variation from the Recipient (as appropriate). Where an adjustment event occurs in relation to a supply made by the Supplier under or in connection with this Agreement, the Supplier will issue an adjustment note to the Recipient in respect of that supply within 10 Business Days after becoming aware of the relevant adjustment. For the purposes of calculating further variations under this clause 9.2(c), any additional amount referred to in clause 9.2(b)(ii) is taken to be amended by the amount of any earlier variation made under this clause.

- (d) If a payment to satisfy a claim or a right to claim under or in connection with this Agreement (for example, for misleading or deceptive conduct or for misrepresentation or for a breach of any warranty or for indemnity or for reimbursement of any expense) gives rise to a liability to pay GST, the payer must pay, and indemnify the payee against the amount of that GST.
- (e) If a party has a claim under or in connection with this Agreement whose amount depends on actual or estimated revenue or which is for a loss of revenue, revenue

must be calculated without including any amount received or receivable as reimbursement for GST (whether that amount is separate or included as part of a larger amount).

10. GENERAL

10.1 Amendments

This Agreement may only be varied by a document signed by or on behalf of each of the parties.

10.2 Waiver

- (a) Failure to exercise or enforce or a delay in exercising or enforcing or the partial exercise or enforcement of any right by RailCorp will not in any way preclude, or operate as a waiver of, any exercise or enforcement, or further exercise or enforcement of that or any other right.
- (b) Any waiver or consent given by RailCorp under this Agreement will only be effective and binding on RailCorp if it is given or confirmed in writing.
- (c) No waiver of a breach of any term of this Agreement will operate as a waiver of another breach of that term or of a breach of any other term of this Agreement.

10.3 Further Acts

Each party will promptly do and perform all further acts and execute and deliver all further documents (in form and content reasonably satisfactory to that party) required by Law or reasonably requested by any other party to give effect to this Agreement.

10.4 Consents

Any consent referred to in, or required under, this Agreement from any party may not be unreasonably withheld, unless this Agreement expressly provides for that consent to be given in that party's absolute discretion.

10.5 Assignment

A party cannot assign, novate or otherwise transfer any of its rights or obligations under this Agreement without the prior written consent of the other party.

10.6 Counterparts

This Agreement may be executed in any number of counterparts and by the parties on separate counterparts. Each counterpart constitutes an original of this Agreement, all of which together constitute one Agreement.

10.7 No Representations or Reliance

- (a) Each party acknowledges that neither party (nor any person acting on its behalf) has made any representation or other inducement to it to enter into this Agreement, except for representations or inducements expressly set out in this Agreement.
- (b) Each party acknowledges and confirms that it does not enter into this Agreement in reliance on any representation or other inducement by or on behalf of any other party, except for any representation or inducement expressly set out in this Agreement.

10.8 Expenses

Except as otherwise provided in this Agreement, each party will pay its own costs and expenses in connection with the negotiation, preparation, execution, and performance of this Agreement.

10.9 Entire Agreement

To the extent permitted by law, in relation to the subject matter of this Agreement, this Agreement:

- (a) embodies the entire understanding of the parties, and constitutes the entire terms agreed on between the parties; and
- (b) supersedes any prior written or other agreement between the parties.

10.10 No agency

Nothing in this Agreement is intended to give rise to an agency relationship between the parties and each party must not act or represent itself to be the servant, agent, joint venturer or partner of the other party.

10.11 Severance

If at any time any provision of this Agreement is or becomes illegal, invalid or unenforceable in any respect under the Law of any applicable jurisdiction, that will not affect or impair:

- (a) the legality, validity or enforceability in that jurisdiction of any other provision of this Agreement; or
- (b) the legality, validity or enforceability under the Law of any other jurisdiction of that or any other provision of this Agreement.

Executed as an agreement.

Signed for and on behalf of **Rail Corporation
New South Wales**, ABN 59 325 778 353 in the
presence of:

Signature of Witness

Name of Witness in full

Signed for and on behalf of **Ku-ring-gai
Council**, ABN 86 408 856 411 in the presence
of:

Signature of Witness

Name of Witness in full

Signature of Authorised Officer

Name of Authorised Officer in full

Position held by Authorised Officer

Signature of Authorised Officer

Name of Authorised Officer in full

Position held by Authorised Officer

Schedule 1 – Station Works